

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 5 May 2009

(Extract from book 5)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

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Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

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Lim, Mr Muy Hong	Clayton	ALP			

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 28 June 2008

⁵ Elected 15 September 2007

⁶ Resigned 6 August 2007

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Tuesday, 5 May 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.06 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Insurance: fire services levy

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given the gross inequity of the fire services levy, which increases insurance premiums of country Victorians by up to 79 per cent, has the government referred this levy to the Henry review of Australia's tax system?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. I think it is important to point out to the house at the outset that the fire services levy never has been and is not a tax. I must say I would have thought that the Leader of The Nationals would have been aware of that fact.

The basis of the fire services levy has always been that since the major beneficiaries of the fire services provided by the state are insurance companies, they should contribute towards the cost of fire services. That has always been the case. There is a longstanding history of this view in our country and in other countries: it is that if fire services are maintained by the state and as a consequence of that there is never any damage to property, insurance companies will never need to pay anything, and accordingly, since they are protected, they should be contributing to the cost of fire services. It is the insurance companies and the Insurance Council of Australia that then determine how the quantum of funds payable by the insurance industry should be recovered from insurees. It is the insurance industry which charges that to policy-holders, not the government. That has always been the case.

Some years ago when I was Treasurer — I think it would have been about 2004 or 2005 — consistent with a commitment we had made at the election, I instructed Treasury to undertake a full and comprehensive review of the fire services levy, and it did that. I think it would be fair to say that many people would have thought that the Department of Treasury and Finance might have a view that there might have been better alternatives to the fire services levy. I had an open mind on the matter. The report that came back from that review was overwhelmingly in favour of continuing with a fire services levy.

Honourable members interjecting.

The SPEAKER — Order! I ask for some cooperation from the Deputy Leader of the Opposition and I ask for some cooperation from the member for South-West Coast.

Mr BRUMBY — The reason for that is that if your starting point is that it is a reasonable proposition that the insurance industry should contribute towards the cost of fire services, and I start with that proposition, and that has always been the case across governments and across party lines, the question then is: how best is that revenue raised? You then come down to the question: do you, on the one hand, put in place what would essentially be a charge, a poll tax, on every property across the state, or alternatively do you say that the core business of the insurance industry is assessing risk and it is therefore best placed to assess what should be the contribution from each policy-holder, taking into account the value of their property and the risk attached? If you accept that second proposition, that leaves you endorsing the fire services levy.

Honourable members interjecting.

The SPEAKER — Order! I ask for some cooperation from the member for Kew and the member for Malvern and the member for Bass. The Premier should conclude his answer.

Mr BRUMBY — The issue then is how best to recover that. As I say, I believe that is through a fire services levy. The issue then is how do you, if at all possible, have some contribution from people who may choose not to insure. In relation to that matter, one of the things the banks are meant to do, but which apparently they do not always do, is to ensure that anybody who has a mortgage on property is required to have property insurance. Our government has been in discussions with the Australian Bankers Association and individual banks for a number of months to try and ensure that the banks will put in place the appropriate mechanisms to ensure that anybody who has a mortgage, and that is the bulk of the population, has the required property insurance, not just when they first take out the loan but on an annual basis. I think if we can get the banks to enforce that, you will see the level — —

Dr Napthine interjected.

Mr BRUMBY — You want to nationalise the banks, do you, Denis?

The SPEAKER — Order! The Premier!

Honourable members interjecting.

Mr BRUMBY — This is a matter for the banks. We would like them to put in place arrangements so that each year when a mortgage is in a sense renewed the prior condition that insurance be in place is enforced.

Other issues are being examined by the government in relation to this matter. I am sure that the royal commission will also examine this matter.

An honourable member interjected.

Mr BRUMBY — In relation to the Henry review, as I have said, it is not a tax, so it would not be referred.

Bushfires: recovery

Ms GREEN (Yan Yean) — My question is to the Premier. Could the Premier update the house on the ongoing efforts to assist those communities affected by the recent bushfires to rebuild their homes and restore their local economies?

Mr BRUMBY (Premier) — I thank the honourable member for Yan Yean for her question. I was with the honourable member for Yan Yean, the Minister for Police and Emergency Services and the shadow minister at Fiskville on Sunday for the CFA (Country Fire Authority) service to commemorate all those who lost their lives supporting our state. We paid our respects to Joseph Shepherd, who died in the service of the CFA during the recent fires.

In relation to the honourable member's question, as members are aware, we as a government have put in place a wide range of policies and programs to assist those who have been affected by the fires. These include personal hardship and disaster recovery grants, temporary living expenses, case managers, counselling support, the \$51 million package for business, an income recovery subsidy from the commonwealth, funding for funeral costs, land tax and stamp duty relief, free legal advice and of course assistance with clean-up. As today's budget will reveal when the Treasurer makes the budget speech, we thank the commonwealth government for the way it has stood shoulder to shoulder with us in supporting fire victims.

The honourable member asked specifically about assisting households. I want to refer particularly to the issue of clean-up, because one of the first priorities has been to try to clear something like 80 000 tonnes of debris and hazardous material from thousands of bushfire-affected properties. That operation is being paid for by the state and commonwealth governments. It is being managed by Grocon and will take up to six months in total. I am pleased to advise the house that Grocon is managing the clean-up operation with

119 clean-up crews which are currently working across the fire-affected areas. Seventy per cent of the work is being undertaken by local contractors, and just over 50 per cent of the workforce is local. I mention that because many members of Parliament, from both sides of the house, have said to me that we should try to maximise local jobs, and that is exactly what is occurring.

To date about 3000 bushfire-affected properties have been registered with Grocon, and I am pleased to say that almost 700 properties, or 24 per cent of all registered properties, have been cleaned up. All registered properties are expected to be cleared by the end of September this year.

The registration process took some while. There are a number of complex approvals involved, particularly for hazardous waste and asbestos. I am pleased to say that the clean-up job is now ramping up rapidly, with over 200 properties cleaned up last week. In addition to that, across the business sector we have seen more than 1100, \$5000 clean-up and recovery grants approved, and there have now been well over 100, \$20 000 tier 2 grants approved particularly to farmers and those in the business sector.

Another matter the member asked about was the economy, particularly in relation to tourism. As members know, in a 50-50 partnership with the Rudd government \$10 million was provided to boost tourism. Members will have heard many of the advertisements on radio and they will have seen many of the supplements in newspapers. I am pleased to say we had very successful campaigns over the Labor Day long weekend and the Easter holidays. Some towns were fully booked during these times. I understand some parts of the Yarra Valley and Gippsland had the best Easter they have ever had in the history of their enterprises.

On top of everything else it is important that support is provided for communities and victims through this extraordinarily difficult time. It is important that we do what we can to provide some momentum for economic recovery. The high level of employment by Grocon in the clean-up and restoration program and the tourism grants are helping to restore some confidence and jobs in these areas, but we all know there is a lot more to do.

Minister for Health: performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I refer the minister to claims in the media on 4 April by Health Services Union secretary Kathy Jackson that she had

informed the minister at a meeting in February 2008 that hospital waiting lists were being systematically manipulated, and I ask: are Ms Jackson's claims correct, and if so, what action did the minister take at that time to investigate those claims?

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. Ms Jackson's claims are not correct. What I have done throughout these matters is make it abundantly clear that if evidence of inappropriate behaviour was put forward, we would take appropriate action. That is exactly what I have done; that is exactly what officers of my department have done.

In terms of the Leader of the Opposition, he can be assured that in relation to the announcements I made when last we sat — around spot audits, around the appointment of an acting director of data integrity and around a whole range of other measures — work has begun on each of those important measures; on each and every one of them. I remain absolutely committed to ensuring that every single health service records its data accurately and reports it accurately.

Swine flu: control

Mr LANGUILLER (Derrimut) — My question is to the Minister for Health. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: could the minister update the house on how the Brumby government is taking action to prevent human swine influenza spreading into our community and what planning for a pandemic flu has taken place?

Mr ANDREWS (Minister for Health) — I thank the member for Derrimut for this important question. Firstly, it is important to — —

Honourable members interjecting.

Mr ANDREWS — I would not have thought this was a matter to joke about. Firstly, it is important for all of us to note that there are still no confirmed cases of the H1N1 influenza virus either in Victoria or in other states or territories across Australia. Despite that good news, the world remains at pandemic alert level 5, with the World Health Organisation judging that a pandemic is imminent. There are more than 70 Victorians who have been tested and who have undergone a range of tests for this particular virus or precursors to this virus. I am pleased to inform all members that no Victorian has tested positive; they were in fact all negative. That is good work, and we are pleased with that outcome.

For the last week and a half the chief health officer, Dr John Carnie, and other officials from the Department of Human Services have been working closely with the commonwealth Department of Health and Ageing and with the chief medical officer from the commonwealth in implementing proper surveillance and other important protocols to ensure that we can keep this virus out of Victoria and out of Australia for as long as possible, whilst at the same time heeding the advice of international experts that it is perhaps something that will inevitably happen.

Some of the actions we have taken include health services and general practitioners right across Victoria being alerted by the chief health officer around a range of different issues, most notably putting in place a protocol to report any suspicious cases as soon as possible. We have provided a whole range of different information to health-care professionals, those working both in our health services and across the community, and we are providing them with regular updates, both through the mail, through email and also through the important health website.

We have also provided detailed briefings, which is very important, for the senior staff at the 16 dedicated pandemic hospitals — 10 in metropolitan Melbourne and 6 in rural and regional areas — to make sure that they are completely across the detail involved in dealing with this if a positive diagnosis is found. We have also made sure that private pathology services are operating with the Victorian Infectious Disease Reference Laboratory, so there is one system — we have public and private laboratories acting together as one — to ensure that we can test and get results as fast as possible. We are also ensuring that there are regular phone hook-ups at both ministerial and senior departmental levels with all state and territory health ministers and the federal Minister for Health and Ageing.

There has been some media commentary, and it is important to note that Victorian public health nurses employed by the Department of Human Services have been in attendance at the airport. The thermal scanners are working well now. A positive pratique for all flights has been in place, and that is again an important and appropriate step to try to find those flights with any incoming symptomatic passengers.

Finally, I make two points. Every Victorian can be sure that through the relevant agencies both here in Victoria and at a commonwealth level the necessary and appropriate steps are being taken at this critical point in the pandemic in the overall context of the H1N1 virus. Secondly I thank all those Victorians who for a range of

reasons have needed to be involved in various tests and other processes. The overall cooperation of the Victorian public to this point has been first rate, and we thank every single Victorian for being involved in that.

The important point to make is that if you have a travel history and you have any flu-like symptoms, please come forward to your GP, please come forward to your emergency department or please call Nurse on Call. That way we can get you the tests you need and the care you need, which is obviously of interest to every single Victorian.

Police: former assistant police commissioner

Mr McINTOSH (Kew) — My question is to the Minister for Roads and Ports. I refer to a meeting between the minister and former assistant commissioner Noel Ashby in the minister's office on 2 April 2007, and I ask: did the minister in any way warn Mr Ashby to be careful when speaking to the former secretary of the Police Association, Paul Mullett?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Kew for his question. As I have already stated publicly in regard to these matters, these allegations are false. There are, however, legal proceedings on foot in relation to these matters, and it would be inappropriate for me to comment any further.

Children: early childhood services

Mr LUPTON (Pahran) — My question is for Minister for Children and Early Childhood Development. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister inform the house what action the Brumby government is taking to strengthen the early years workforce to ensure Victorian children have access to a high-quality kindergarten program before they start school?

Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Pahran for his question. I know he has a keen interest in early childhood development. We know that a child's early years experience has a profound impact on their long-term future. This government recognises that quality early years services are really important to families and children, and that is why we have undertaken an increased investment over the last decade in early childhood services. We particularly know that participation in a kindergarten year in the year before school is a very important part of a child's early learning and development. More and more children are

spending more time in long day care; we have more and more children spending up to full time in long day care. In fact the number of places in Victoria has doubled over the last decade, and there are now over 1000 long day care centres in Victoria. That means there are a lot of four-year-olds participating in long day care, sometimes full time, and some long day care centres do employ early childhood teachers, but many do not. What that means is that a child may spend that year, the year before school, in long day care and not have the opportunity to participate in a structured kindergarten program.

We also know that some rural and regional kindergartens have difficulty in attracting kindergarten teachers. That is why at the end of 2007 the Premier and I announced a \$10 million scholarship program to get more teachers where they are needed — more teachers in long day care, more teachers in rural and regional Victoria and also more teachers in areas of disadvantage.

In detail, first of all there is a \$6000 scholarship for staff already working in long day care who have a diploma qualification to upgrade to a degree qualification. So far we have awarded 56 scholarships in places such as Mount Beauty, Horsham and Whittlesea, and here in Melbourne, in Kilsyth, Bentleigh and Frankston. We are also providing a scholarship of \$12 000 to graduates of the early childhood degree to go and work in a long day care centre, and in addition the commonwealth is matching that scholarship with a further \$12 000 if the teacher goes to work in an area of disadvantage. What that means is that it is a \$24 000 incentive for a teacher to go and work in long day care in an area of disadvantage. So far 40 teachers have taken up this offer in places such as Geelong, Ararat and Wodonga, and here in Melbourne, in Melton, Preston, Footscray, Seaford and Pakenham.

In addition we are providing incentive payments for graduate teachers to go and work in rural and regional Victoria as kindergarten teachers. This is also being matched by the commonwealth, also with \$6000, providing a \$12 000 incentive for teachers to go and work in kindergartens across rural and regional Victoria. So far we have had 40 kindergarten teachers take up this offer, and they are teaching in places such as Warrnambool, Corio, Portland, Morwell, Moe and Churchill, and two teachers have been recruited into Mildura. Finally we have an incentive specifically targeting indigenous teachers. This program is for indigenous staff who have a diploma to upgrade to a degree qualification.

In total we have provided 150 scholarships for teachers to work right across Victoria. This is just another one of our programs that are making sure that every Victorian child has access to a kindergarten place in the year before starting school.

Water: north–south pipeline

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer to the government's commitment to deliver 75 000 megalitres down the north–south pipe in 2010, and I ask — —

Mr Nardella — You are wrong.

Honourable members interjecting.

Mr RYAN — Seventy-five gegalitres: 75 000 megalitres. What is he talking about?

Honourable members interjecting.

The SPEAKER — Order! The member for Narre Warren North is warned, as is the member for South-West Coast.

Mr RYAN — My question is to the Minister for Water. I refer to the government's commitment to deliver 75 000 megalitres down the north–south pipeline in 2010, and I ask: in using that term does the minister mean by 31 December 2010, being the calendar year, or by 30 June 2011, being the financial year?

Mr HOLDING (Minister for Water) — I thank the Leader of The Nationals for his question. We have made it clear that this is a project that is very important for Victoria. It is very important to secure water supplies to ensure not only that Melbourne is not at risk of running out of water but also that the investment that is vitally needed in modernisation works in northern Victoria can proceed and the water savings that that project will generate are able to flow to farmers, to the irrigators, to the environment and to Melbourne. I was very pleased to be able to announce a couple of weeks ago that this project is ahead of schedule, that we anticipate that the north–south pipeline will be able to deliver volumes of water possibly as early as February 2010 and that the 75 gegalitres of water that was committed to Melbourne by the state government in 2010 when we announced the next stage of the government's water plan in 2007 will be delivered in calendar year 2010.

Bushfires: sporting clubs

Mr HARDMAN (Seymour) — My question is for the Minister for Sport, Recreation and Youth Affairs. Can the minister outline to the house what action the government is taking to assist sporting clubs devastated by the Black Saturday bushfires to ensure that they can rebuild as quickly as possible?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Seymour for his question and his strong representation of local clubs in his community. Local sporting clubs are the heart of our local communities. No more so has this been on display than in the weeks and months following Black Saturday. Many clubs had facilities completely destroyed, many clubs lost equipment, many ovals were badly burnt and many other ovals were used as Country Fire Authority staging grounds or emergency relief centres. Every club I visited had the same message: they want to rebuild, and they want to rebuild as quickly as possible.

The Brumby government acted swiftly and effectively to ensure that every club devastated by Black Saturday can and will rebuild. The Premier announced a \$3 million Community Sports Recovery Fund in partnership with the Rudd federal government, offering individual grants for immediate rebuilding and repatriation works.

Some 16 football grounds were badly affected; a \$200 000 grant to the Australian Football League enabled each of those grounds to be resurfaced in time for round 1. Kinglake reserve was severely impacted upon on Black Saturday, yet thousands of locals and spectators packed the ground for the Kinglake Football Netball Club's season opener against Emerald, where the Premier announced almost \$300 000 to repair ground lighting and also rebuild the tennis and netball facilities.

Right across fire-affected communities we are seeing massive crowds at local footy-netball clubs in townships including Whittlesea, Callignee, Yea and Pomborneit. Golfers too have returned to the fire-ravaged Horsham Golf Course, and it will shortly resume at Marysville. Some \$300 000 has been delivered to purchase new course equipment, clear hazardous trees and get the course up to a playable standard once more.

From pony clubs to pistol clubs, no affected sport will miss out. The reason is simple and best summed up by the president of Steels Creek Tennis Club, Alby Leckie. I visited the club during the recent Yarra Valley

Community Cabinet to announce a grant of \$55 000 to install new lighting at the town's courts — the only community hub left standing in the small Steels Creek community. The grant was relatively small, but the announcement brought dozens of members of this community together to share a drink for the first time since Black Saturday. As Alby told the local paper, the funding was a great morale lifter for the township. Alby is quoted as saying that people are still talking about it and that it is great not just for the club but for the town as well. That is exactly why this program is so important. It is about people and not just about the sport that is played on the courts or the ovals.

My department will continue working one on one with each club to ensure that all these projects are completed as soon as possible. The quick and effective action of the Brumby government is ensuring that every single club, from the Strathewen Cougars cricket club to the Wandong junior footy club, will rebuild and will continue serving as a core community asset well into the future.

Intralot: agency costs

Mr O'BRIEN (Malvern) — My question is to the Minister for Gaming. I refer the minister to his public commitment that the introduction of Intralot 'will be good for agencies across the state'. I ask: given recent reports that Intralot sales are less than a quarter of those provided for in its licence agreement, will the minister now admit that his actions have in fact damaged lottery agents across the state?

Mr ROBINSON (Minister for Gaming) — I appreciate the question from the member for Malvern. The government stands by its landmark decision in recent years to open up Victoria's gambling industries to competition for the very first time. We said at the time we made a series of announcements that the days of gambling licensees coming in and having licences extended without any public review for amounts that are worked out over a cup of tea and an Iced Vo-Vo have passed. Introducing competition is a good thing.

We have acknowledged that Intralot needs to improve its performance, but it is not the case — and the member for Malvern ought to know this — that every agent that has taken on Intralot is doing poorly. I quote from a recent article in the *Waverley Leader*:

But Mount Waverley Lotto's Thomas Fischer said business had improved since Intralot's introduction and said it was up to agents to be more proactive.

Similarly if I were to accept the member for Malvern's public comments as being accurate, then government

revenue would have suffered a disastrous downturn, because he has been out there saying that things are in a parlous situation. But if we look in the first quarter of 2009–10, which would be the truest measure of Intralot's performance, and we look at the quarterly figures that were produced and tabled in this place where lottery taxes proportionate to sales were recorded, we find that in the first quarter, private lottery sales rose from \$80.1 million in 2007–08 to \$83.6 million in 2008–09, which is a rise of 4.4 per cent. That is an increase, not a decrease. We acknowledge that Intralot has some way to go.

We have met with the company on a number of occasions — —

Mr Foley interjected.

The SPEAKER — Order! The member for Albert Park is warned.

Dr Napthine — On a point of order, Speaker, I seek your clarification. The minister was referring and said he was referring to figures from the first quarter of 2009–10. My understanding is that figures for that quarter do not yet exist. Perhaps he is talking about the first quarter of this year, but he said the first quarter of 2009–10.

The SPEAKER — Order! The member for South-West Coast has been heard on his point of order. I ask that the minister clarify the point. I think the member for South-West Coast did hear the minister say 2009–10.

Mr ROBINSON — I am happy to clarify for the member for South-West Coast in particular that the figures I am referring to reflect the first quarter of the current financial year in comparison with the year before, which would be the truest test of Intralot's performance because it was the first quarter in which Intralot was selling product into the country. The combined lottery, just for the benefit of the member for South West Coast — —

Honourable members interjecting.

The SPEAKER — Order! If members were prepared to listen to the minister, they would not need to raise so many points of order seeking clarification.

Mr ROBINSON — So that the member for South-West Coast is clear, the year-on-year figures show a rise in lottery product sales of 4.4 per cent for that quarter, which puts the lie to what the member for Malvern has been saying — —

Mr O'Brien interjected.

The SPEAKER — Order! I ask the member for Malvern not to interject in that manner across the table.

Mr ROBINSON — In conclusion, we have indicated to Intralot that more needs to be done in its efforts. There have been a series of meetings. The company appreciates that it will be the subject of a performance audit. We have spoken to lottery agent representatives, and they understand the situation as it exists at the moment. They, along with the government, wish to work with the company to make sure it does deliver the benefits right across the state.

Financial counselling: funding

Mr NARDELLA (Melton) — My question is to the Minister for Consumer Affairs. I refer the minister to the growth in demand for financial counselling, and I ask: could the minister advise the house of recent action taken by the Brumby government to assist Victorians, especially those under financial pressure?

Mr ROBINSON (Minister for Consumer Affairs) — I thank the member for Melton for his question on this very important issue. The Brumby government acknowledges the stress and anxiety confronting Victorian families through the onset of the global financial crisis, and that stress and anxiety are increasing to unprecedented levels. Last year the government acknowledged the need to expand financial counselling services. At that time a growth in demand for financial counselling services was becoming apparent, and we took the step of consolidating the funding base for our services through for the next few years. Funding currently runs to about \$5.5 million per annum. As a consequence, some 41 000 Victorians were helped last year through the services we provide, and I am sure many of them are in the member for Melton's electorate.

Notwithstanding the fact that Victoria has, and is recognised as having, the best structured and resourced financial counselling services anywhere in the country, the Brumby government acknowledges that more needs to be done. Therefore I was pleased to announce last week that an additional \$2.9 million will be provided in 2009–10 to boost service provision right across the state. This will happen through the allocation of a number of counsellors to a central phone counselling service, which will be of benefit to people right across the state, as well as the provision of new positions in regions right across the state. I will just run through those positions for the benefit of the member for Melton and other members.

An additional two positions will be funded in the eastern region, the north-western region and the southern region, which are serviced by Eastern Access Community Health, Anglicare Victoria and Southern Health respectively. In regional Victoria, Anglicare Gippsland will receive an extra staff member, and I know that is of particular interest to the member for Gippsland East; Child and Family Services Ballarat will receive an extra position for the Grampians region; Community Connections Victoria will receive an extra position for the Barwon region; Goulburn Valley Community Health Service will receive an extra position to service the Hume region; and St Luke's Anglicare will receive an extra position to service the Loddon region. I was pleased to advise the sector of these developments last week. As you would expect, the news was received very positively.

In recognition of the significant hardship experienced by Victorian families and individuals in bushfire-affected areas, the Brumby government has also announced separate funding to allow for the allocation of particular counselling resources in those areas. I was pleased to be with the member for Seymour last week in Kinglake West when we met with the chief executive of the Mitchell Community Health Service, one of the services that will benefit from this allocation.

Additional staff resources will be provided for Eastern Access Community Health, as it services the Yarra Ranges region. There will be additional resources as well for Mitchell Community Health Service — some four positions for that area. Anglicare Gippsland will receive an extra position, particularly in respect of the Baw Baw shire. Berry Street Victoria services Nillumbik, and it will be given an extra staffing position. Uniting Care Kildonan Child and Family Services, which services the Whittlesea area, will also be given additional staff positions.

These are vital services. The resources the Brumby government is providing will make sure these vital services are delivered, particularly where they are needed. We understand that Victorian families need and deserve the support we are able to fund through these additional resources.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 consequential on the Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008 of the commonwealth and for other purposes.

Mr CLARK (Box Hill) — I ask the Attorney-General to provide a brief explanation of the bill.

Mr HULLS (Attorney-General) — The bill implements consequential amendments to our classification legislation to ensure consistency with the new commonwealth scheme. It actually allows unclassified films and unclassified computer games to be advertised pending their classification, subject to prescribed safeguards.

Motion agreed to.

Read first time.

MACEDONIAN ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to establish a corporate trustee for the Macedonian Orthodox Church within Victoria to acquire, hold, deal with and dispose of property for the benefit of the church, to provide for the vesting of certain property in the corporate trustee and for other purposes.

Read first time.

CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Community Development) introduced a bill for an act to amend the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975, the Wildlife Act 1975, the Coastal Management Act 1995 and other acts and for other purposes.

Read first time.

ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Energy and Resources) — I move:

That I have leave to bring in a bill for an act to amend the National Electricity (Victoria) Act 2005, the Electricity Industry Act 2000, the National Gas (Victoria) Act 2008, the Gas Industry Act 2001 and the Gas Safety Act 1997, to make consequential amendments to various other acts and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Mr BATCHELOR (Minister for Energy and Resources) — This bill will implement the Council of Australian Governments decision of April 2007, which was to establish by July of this year a single, industry-funded national energy market operator for both gas and electricity that would assume the powers and functions of the existing market operators in the various Australian jurisdictions. For the information and clarification of the house, the operator will be called the Australian Energy Market Operator.

Motion agreed to.

Read first time.

SUPERANNUATION LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That I have leave to bring in a bill for an act to amend the Emergency Services Superannuation Act 1986, the Constitution Act 1975, the County Court Act 1958, the Parliamentary Salaries and Superannuation Act 1968, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Transport Superannuation Act 1988 and the Superannuation (Portability) Act 1989 and for other purposes.

Mr WELLS (Scoresby) — I ask the minister for a brief explanation.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — The objective of this bill is to amend the Emergency Services Superannuation Act to give protective services officers access to the defined benefit section of the

scheme. It will make some changes in relation to reversionary spouse pensions; it will amend acts governing Victorian public sector superannuation schemes to enable the trustees of these schemes to give effect to superannuation agreements made under the Family Law Act; and finally, it will amend the Emergency Services Superannuation Act to enable the Emergency Services Superannuation Board to comply with commonwealth bankruptcy reforms.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 63 to 65 and 209 to 220 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Box Hill Hospital: funding

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the urgent need for the full redevelopment of Box Hill Hospital to proceed without delay.

The medical needs of residents of the eastern suburbs and beyond are suffering because the hospital is struggling to cope with growing numbers of patients, including elderly patients and young families, in the hospital's current old and inadequate facilities. This has resulted in Box Hill Hospital having some of the worst waiting lists and waiting times of any hospital in Melbourne, despite the best efforts of doctors, nurses and other hospital staff.

The petitioners therefore request that the Legislative Assembly call on the Brumby government to provide the necessary funding urgently so the full redevelopment of Box Hill Hospital can proceed without any further delay.

By Ms WOOLDRIDGE (Doncaster) (103 signatures).

EastLink: noise barriers

To the Legislative Assembly of Victoria:

The petition of the residents of Donvale and environs draws to the attention of the house that the quality of life for

residents whose homes adjoin EastLink in Donvale has been detrimentally affected by traffic noise, especially by the use of air brakes on large vehicles. Residents say they have been forced to double glaze their windows, they are suffering from disrupted sleep patterns and some are contemplating moving away from the area as passing traffic noises have been recorded as high as 82 decibels.

The petitioners therefore request that the Legislative Assembly of Victoria direct that additional noise abatement measures, which will allow residents to sleep at night without being disturbed and which will allow them to enjoy their homes without intrusive noise levels, be implemented without delay.

By Ms WOOLDRIDGE (Doncaster) (17 signatures).

King Street, Doncaster: traffic lights

To the Legislative Assembly of Victoria:

The petition of the residents of the Roseville retirement village and environs draws to the attention of the house the dangerous situation they face outside their village attempting to cross busy King Street in Doncaster East to access bus stops and medical facilities with thousands of vehicles passing by each day.

The petitioners therefore request that the Legislative Assembly of Victoria direct VicRoads to install pedestrian-operated traffic signals outside the village on King Street so that the residents can safely cross the road.

By Ms WOOLDRIDGE (Doncaster) (81 signatures).

Technical and further education: fees

To the Legislative Assembly of Victoria:

We, the undersigned, call on the Victorian government to reconsider the proposed changes to the VET sector. Access to training and education needs to be fair, just and socially inclusive.

The introduction of a HECS-style system will result in reduced opportunity for those people who are already disadvantaged and limit their ability for social and economic participation.

By increasing fees for TAFE students, the government is breaking an election promise it made at the 2006 election to: 'ensure TAFE entry costs are not a barrier to participation by students from disadvantaged groups'.

By Ms LOBATO (Gembrook) (899 signatures).

Essendon Airport: future

To the Legislative Assembly of Victoria:

The petition of the citizens of Victoria draws to the attention of the house the intention of the Victorian Labor government to close Essendon Airport.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Victorian Labor government to abandon its misconceived policy which is a

threat to the location and operations of the Victorian air ambulance, the police air wing, firefighting aircraft and other essential public and private enterprises as well as causing the closure of an important facility for rural and regional Victorians commuting to Melbourne.

By Mr RYAN (Gippsland South) (39 signatures).

Bushfires: Loch Sport firebreak

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Loch Sport draws to the attention of the house the perilous state of Loch Sport because of the risk of bushfire and calls upon the Parliament to recommend to the government that a suitable firebreak surrounding Loch Sport be constructed to ensure the safety of residents and visitors.

By Mr RYAN (Gippsland South) (292 signatures).

Police: Red Cliffs

To the Legislative Assembly of Victoria:

This petition of residents of Red Cliffs and surrounding communities in Victoria draws to the attention of the house the need to increase police presence in our district.

The petitioners register their dismay after a weekend of vandalism with damage estimated to be in excess of \$60 000 to the local bowling club and private and public property.

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the Red Cliffs police station as a proactive step in ensuring that this criminal activity is not repeated.

By Mr CRISP (Mildura) (16 signatures).

Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (104 signatures).

Weeds: control

To the Legislative Assembly of Victoria:

This petition of the citizens of Victoria draws to the attention of the house the critical need for continuing state government support for the eradication of Paterson’s curse as a noxious weed, recognising that it has been relegated in importance by the Minister for Agriculture, Joe Helper, MP, and the Department of Primary Industries, with other exotic weeds now being given precedence.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Victorian Labor government to clarify responsibility for the control of noxious weeds and increase funding levels to all government authorities, including local government, to implement appropriate eradication programs and to include Paterson’s curse.

By Mr JASPER (Murray Valley) (36 signatures).

Schools: Catholic sector

To the Legislative Assembly of Victoria:

The petition of Victorian residents who choose Catholic education, or support this right of choice, draws to the attention of the house that the level of funding provided by the Victorian state government to Catholic schools is inadequate and discriminates against families who choose a Catholic education for their children.

The petitioners therefore request that the Legislative Assembly of Victoria guarantee funding at 25 per cent of the average cost of educating a child in the Victorian government school system, indexed annually, and to provide equal funding for children with disabilities who attend a Catholic school.

By Ms CAMPBELL (Pascoe Vale) (433 signatures).

Bushfires: Lorne

To the Legislative Assembly of Victoria:

The residents, ratepayers of and visitors to Lorne draw to the attention of the house the recent bushfire tragedies in Victoria and the threat of bushfire to the town of Lorne each summer.

We, the undersigned, respectfully request the installation of a manual fire-warning siren in the township of Lorne. Given Lorne is a town of special significance to bushfires we believe that a manual fire-warning siren is imperative.

By Mr MULDER (Polwarth) (1098 signatures).

Water: Shepparton supply

To the Legislative Assembly of Victoria:

We, the undersigned land-holders and members of the Shepparton stock and domestic community water supply scheme, wish to draw to the attention of the Legislative Assembly of Victoria the fact that our open stock and

domestic water channels are urgently in need of replacement for critical community, environmental and commercial reasons. The petitioners therefore request that the Legislative Assembly of Victoria provide funding for a piped stock and domestic scheme for Cosgrove, Cosgrove South and Pine Lodge districts.

By Mrs POWELL (Shepparton) (104 signatures).

Tabled.

AUSTRALIAN CATHOLIC UNIVERSITY

Report 2008

Ms ALLAN (Minister for Regional and Rural Development), by leave, presented report.

Tabled.

MELBOURNE COLLEGE OF DIVINITY

Report 2008

Ms ALLAN (Minister for Regional and Rural Development), by leave, presented report.

Tabled.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 5

**Mr CARLI (Brunswick) presented *Alert Digest*
No. 5 of 2009 on:**

- Bus Safety Bill 2009**
- Children Legislation Amendment Bill 2009**
- Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009**
- Justice Legislation Amendment Bill 2009**
- Major Sporting Events Bill 2009**
- Parliamentary Salaries and Superannuation Amendment Bill 2009**
- Planning Legislation Amendment Bill 2009**
- Road Legislation Amendment Bill 2009**
- Salaries Legislation Amendment (Salaries Sacrifice) Bill 2009**
- Serious Sex Offenders Monitoring Amendment Bill 2009**
- Transport Legislation Amendment (Driver and Industry Standards) Bill 2009**

together with appendices.

Tabled.

Ordered to be printed.

Legislation Reform (Repeals No. 4) Bill

Mr CARLI (Brunswick) presented report, together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Australian Crime Commission — Report 2007–08

Ballarat University — Report 2008 (two documents)

Bendigo Regional Institute of TAFE — Report 2008 (two documents)

Box Hill Institute of TAFE — Report 2008

Central Gippsland Institute of TAFE — Report 2008

Chisholm Institute of TAFE — Report 2008

Deakin University — Report 2008

Driver Education Centre of Australia Ltd — Report 2008

East Gippsland Institute of TAFE — Report 2008

Financial Management Act 1994:

Budget Paper No 2 — Strategy and Outlook 2009–10

Budget Paper No 3 — Service Delivery 2009–10

Budget Paper No 4 — Statement of Finances 2009–10 incorporating Quarterly Financial Report No 3

Gordon Institute of TAFE — Report 2008

Goulburn Ovens Institute of TAFE — Report 2008 (two documents)

Holmesglen Institute of TAFE — Report 2008

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 32 (*Gazette G16, 16 April 2009*), 36, 37 (*Gazette S111, 23 April 2009*)

Kangan Batman Institute of TAFE — Report 2008

La Trobe University — Report 2008

Major Events (Aerial Advertising) Act 2007 — Event Order under s7

Melbourne University — Report 2008

Monash University — Report 2008

Northern Melbourne Institute of TAFE — Report 2008

Parliamentary Committees Act 2003:

Government response to the Outer Suburban/Interface Services and Development Committee's Inquiry into Local Economic Development in Outer Suburban Melbourne

Government response to the Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule — C85

Bass Coast — C91

Bayside — C83

Boroondara — C109

Cardinia — C129

Casey — C121

Darebin — C117

East Gippsland — C69

Glen Eira — C65

Greater Dandenong — C74, C83

Greater Geelong — C156

Hume — C112

Kingston — C127

Manningham — C81

Maribymong — C74, C78

Maroondah — C100

Melbourne — C144

Moonee Valley — C83

Moorabool — C41

Moreland — C82, C110

Mornington Peninsula — C123

Northern Grampians — C14

Port Phillip — C68

Stonnington — C90, C95, C100, C102

Surf Coast — C43 Part 1

Swan Hill — C31

Wangaratta — C31

Wellington — C52

Whitehorse — C136

Whittlesea — C97, C108

Wodonga — C54, C64

Yarra — C121, C123

Yarra Ranges — C83

RMIT University — Report 2008

South West Institute of TAFE — Report 2008

Statutory Rules under the following Acts:

Corrections Act 1986 — SR 40

Electricity Safety Act 1998 — SRs 32, 36, 37

Freedom of Information Act 1982 — SR 33

Magistrates' Court Act 1989 — SRs 34, 35, 39

Subordinate Legislation Act 1994 — SRs 31, 38

Valuation of Land Act 1960 — SR 41

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 34

Ministers' exemption certificates in relation to Statutory Rules 29, 41

Minister's infringements offence consultation certificates in relation to Statutory Rules 36, 37

Sunraysia Institute of TAFE — Report 2008

Swinburne University of Technology — Report 2008

Victoria University — Report 2008 (two documents)

William Angliss Institute of TAFE — Report 2008

Wodonga Institute of TAFE — Report 2008.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Fundraising Appeals and Consumer Acts Amendment Act 2009 — Sections 6(2), 7, 8, 10 and 11 — 4 May 2009 (*Gazette G17, 23 April 2009*).

ROYAL ASSENT

Message read advising royal assent to:

6 April

Melbourne University Amendment Bill

7 April

Associations Incorporation Amendment Bill

Bus Safety Bill
Equal Opportunity Amendment (Governance)
Bill
Melbourne Cricket Ground Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Children Legislation Amendment Bill
Justice Legislation Amendment Bill
Parliamentary Salaries and Superannuation
Amendment Bill
Planning Legislation Amendment Bill
Road Legislation Amendment Bill.

APPROPRIATION (2009/2010) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2009–10.

Estimates tabled.

Introduction and first reading

Mr BRUMBY (Premier) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the government for the financial year 2009–10 and for other purposes.

Read first time.

The SPEAKER — Order! In accordance with the resolution of the house on 31 March 2009, I ask the Serjeant-at-Arms to admit the Treasurer.

Serjeant-at-Arms admitted Mr Lenders (Treasurer) to chamber.

Statement of compatibility

Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Appropriation (2009/2010) Bill 2009.

In my opinion, the Appropriation (2009/2010) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Appropriation (2009/2010) Bill 2009 will provide appropriation 'authority' for payments from the Consolidated Fund for the ordinary annual services of government for the 2009–10 financial year.

The amounts contained in schedule 1 to the Appropriation (2009/2010) Bill 2009 provide for the ongoing operations of departments, including new output and asset investment funded through annual appropriation.

Schedules 2 and 3 of the bill contain details concerning payments from advances pursuant to section 35 of the Financial Management Act 1994 and payments from the advance to Treasurer in 2007–08 respectively.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The bill does not raise any human rights issues.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise a human rights issue.

John Brumby, MP
 Premier

Second reading

Mr BRUMBY (Premier) — I move:

That this bill be now read a second time.

Mr LENDERS (Treasurer) — Speaker, this budget is about jobs.

It is about delivering jobs for Victorians in the middle of the worst global economic downturn since the Second World War.

It is about securing up to 35 000 jobs over the next 12 months alone by investing in infrastructure and stimulating economic activity.

But it is not only about jobs.

This budget is also about the leadership and investment that a responsible government must deliver during tough economic times.

It is about creating more opportunities for Victorian workers to skill up and retrain, protecting their

livelihoods and making sure our industries have the skilled workforce they need for the jobs of the future.

It is about maintaining a strong safety net through core services such as education, health and transport — the services that Victorian families rely upon and that will see them through the economic downturn.

It is about staying the course in supporting disadvantaged Victorians and their communities, recognising that a strong economy relies upon a fair society.

Most importantly, this budget is about making Victoria 'recovery ready' — delivering the projects and infrastructure that will secure jobs in the short term, while putting our state in the best position to move ahead when the global economic recovery arrives.

This budget is one of the most important in Victoria's recent history.

The global financial crisis and the worldwide recession mean that this budget is being delivered in some of the most difficult economic conditions in many, many years.

Victoria may not have caused this downturn and we may not be at the epicentre of the global crisis, but the shock wave has well and truly reached us.

Like the rest of the nation, we are feeling the effects of jobs under threat, lower business and consumer confidence, weaker private sector investment and a decline in global demand for many of our products and services.

There is no doubt that these are tough economic times.

But that is not the only challenge facing Victoria. We also face the enormous task of recovering from the worst bushfires in our history.

Recovering from the bushfires

Speaker, the repercussions of the devastation wrought by the February 2009 bushfires will be with us for many years to come.

One hundred and seventy-three people lost their lives in the fires. More than 2000 homes and around 60 businesses were destroyed; entire communities were almost wiped from the map and many Victorians suffered loss, injuries, trauma and extensive damage to their properties.

I know that these numbers cannot describe the pain and loss felt by so many Victorians. I also know that the

task of recovering from a tragedy of this scale will be a long, costly and — at times — heartbreaking endeavour.

This budget provides nearly \$1 billion to help complete this daunting task — and I thank the commonwealth government for immediately offering to share the costs of relief and recovery from the fires.

Premier John Brumby showed great leadership during the fires. He ensured that government acted promptly and decisively, and got out into fire-affected areas to see firsthand what needed to be done. So many Victorians — men and women, city and country — have worked tirelessly to ensure that the funding provided for bushfire recovery is reaching the people and communities most in need, and getting the rebuilding process under way as quickly as possible.

Our funding is going towards supporting bushfire survivors, assisting bushfire-affected businesses and traders, and rebuilding devastated communities.

We are providing more resources for our firefighters and emergency services.

We are also providing funding for the Victorian Bushfire Reconstruction and Recovery Authority to work with communities to recover and rebuild — and for the independent royal commission into the 2009 Victorian bushfires to establish what needs to be done to prevent such disastrous fires from ever recurring.

This funding is in addition to the more than \$330 million raised by the bushfire appeal fund.

That figure represents truly remarkable support — and it has come not only from this state, but from around Australia and from overseas.

Let me give you one example: Papua New Guinea — where the average annual income is just \$900 — contributed \$2 million to help the survivors of our bushfires and the floods in Queensland. When PNG's Prime Minister, Sir Michael Somare, visited Victoria last week, he said that it was a chance to repay Australians for our help with disasters in his country.

Victoria is deeply thankful for such generosity and support.

To the people of Papua New Guinea, the citizens of East Timor and many other nations, we offer our heartfelt thanks. To Victorians and indeed Australians who responded so swiftly to the tragedy — with words and deeds, and practical support — we thank you for

showing the true spirit of what it is to be Australian: helping one another in an hour of need.

Even so, we know that we face an enormous task — but we will recover from these fires and we will rebuild.

A resilient and well-positioned economy

Speaker, the global economic downturn has placed almost unprecedented pressure on economies and governments around the world — and Victoria is no exception.

This — combined with the effects of the bushfires — has clearly had an impact on Victoria.

But unlike many other places, the Victorian economy remains resilient, our budget position is sound and our longer term prospects are strong.

The underlying resilience of our economy is not due to luck. It is the result of sound economic fundamentals and a diverse, adaptable economy — attributes that have been reinforced by the Brumby Labor government's disciplined financial management, proactive economic reform agenda and record investment in skills and infrastructure.

Not surprisingly, the global financial crisis means that economic growth in Victoria has taken a hit.

While remaining positive, growth will be relatively weak in the near term: 0.5 per cent in this financial year, 0.25 per cent in the next financial year — rising to 2.25 per cent in 2010–11.

Also predictably, Victoria's budget position has taken a hit as a result of the crisis.

In particular, forecast revenues from state taxation and the GST flowing from the commonwealth are much weaker.

But — importantly — our fundamentals remain sound.

Over the last nine-and-a-half years, this Labor government has steered the state's budget responsibly and prudently — and we will continue to do so during and after the global financial crisis.

Framing this state budget in the face of these global pressures has been a difficult exercise — and we have had to make some hard decisions.

We have made substantial efficiency savings. We have restrained expenditure growth over the forward estimates period. We have said to our workforce that

more modest wage increases will be required if we are to keep jobs.

The Brumby Labor government is working our budget as hard as we can to advance the investment needed in the short term, contain operating expenses without damaging core services and continue to maintain our AAA credit rating.

Despite the difficult conditions that prevail, the government has kept the budget in surplus and maintained borrowings at responsible levels.

The government received AAA credit ratings from Standard and Poor's in November 2008 and Moody's Investors Service in January 2009.

The strong partnership we have with the commonwealth government — and our own disciplined financial management in the good times — has enabled us to keep the budget in surplus, while investing in infrastructure to stimulate economic activity and secure Victorian jobs during this downturn.

Securing Victorian jobs

Speaker, over the last decade, this Labor government has invested almost \$24 billion in infrastructure projects to drive jobs and economic growth — a quadrupling in government infrastructure spending.

The budget continues this high level of investment and delivers the biggest infrastructure program in this state's history.

At a global level, the G20 has pledged \$5 trillion in stimulus measures and the IMF has said that investing in infrastructure is the best thing governments can do to address the global financial crisis.

Here in Victoria, we do not have the same problems with toxic assets and collapsed banks as many other places — but we still need to be part of a global solution to the global crisis.

To most Victorians, the notion of a \$5 trillion stimulus package is a long way from their daily concerns. But being part of the global solution also means a new school in your suburb, or a new library or science centre at your child's school. It means a new ward or more services at your nearest hospital, new trains in the morning as you go to work and better roads in your town.

Essentially, being part of the global solution means stepping up our productivity in difficult times.

That is why we are accelerating our own infrastructure program and why we are working with the commonwealth government to fast-track infrastructure investment through the Nation Building — Economic Stimulus Plan.

This includes \$11.5 billion to be spent this financial year on infrastructure projects in Victoria through the combined investment of the state and commonwealth governments, and state authorities.

With billions of dollars in private sector investment expected to vacate the field as a result of the downturn, we are stepping in to fill the breach.

This investment covers the full range of economic, social and environmental infrastructure Victoria will need over the coming years — from water and sewerage projects to capital grants for government and non-government schools, from major transport projects to new and better hospitals. Next financial year alone this investment will secure up to 35 000 jobs. That is 35 000 jobs that would not be available without action by government.

We will deliver the initial stages of the \$38 billion Victorian transport plan. We will continue to deliver the \$1.9 billion Victorian schools plan.

We will work with the commonwealth to deliver the Building the Education Revolution program, which will upgrade or build new facilities at primary schools across the state.

Together with the commonwealth, we will significantly increase the number of new social housing dwellings — giving more Victorians access to secure and affordable housing.

Not every project we are delivering will grab headlines, but they are all carefully considered projects — and they are essential projects.

For example, our water authorities are investing \$650 million in the northern sewerage project, which is building 12.5 kilometres of new sewer in Melbourne's north, running from Reservoir to Pascoe Vale and Essendon.

Because most of the building action is below ground — and because we do not much like to talk about sewerage — it is not an especially glamorous project. Even so, it is an absolutely critical project. Without it, the sewerage system will not be able to handle the 77 000 new homes likely to be built in the city's northern suburbs over the next 20 years — and we will

also be unable to protect local creeks and the Yarra River from sewerage spills.

And it creates jobs today.

It is just one of many essential water and sewerage projects being undertaken by Victoria's state water authorities, and one of many basic infrastructure projects the Brumby Labor government is delivering across the state.

The government is also fast-tracking five large metropolitan housing developments and partnering with the commonwealth to build a new 3000-home suburb in Melbourne's west — a major boost to construction activity that will deliver even more jobs for Victorians.

To accelerate our investment in infrastructure, the government has increased our borrowings over the medium term.

Let me be clear: we make no apologies for that.

Let there be no mistake: doing everything we can to secure Victorian jobs in a time of global economic crisis is a crucial priority for the Brumby Labor government.

We are stepping up investment in tough times to sustain Victoria's economy and lay down the foundation for recovery when global growth returns. We are striking a balance between the short-term imperative of supporting the Victorian economy during a severe downturn and the longer-term goal of keeping government borrowings at a sustainable level.

While net debt as a percentage of the state's economy rises over the next three years, it then comes down — and we also return to a cash surplus.

In line with expected lower inflation, the government will also revise the price models we use to work out levels of funding to departments for their non-wage costs. Alongside our new public sector wages policy, this will enable us to contain expenditure growth to a rate of less than expected revenue growth.

We will also return our capital expenditure program to its traditional level of around 1 per cent of the economy towards the end of the forward estimates period.

In other words, we will return to historic norms and balances as we put the current crisis behind us, ensuring that the state budget remains on a sustainable path over the longer term and stays within the parameters of our AAA rating.

Partnering with the commonwealth

Speaker, as I have already indicated, the Brumby Labor government is working closely with the Rudd government to steer Victoria through the current crisis. Like other states and territories, Victoria will gain significant benefits from the Rudd government's fiscal stimulus packages — packages that will help to stimulate the economy, offset weaker revenue and private investment, and fast-track infrastructure projects.

Last year, when I delivered the state budget, I pointed out that the challenges facing Victoria were not exclusive to our state, but national challenges that required a national response. After many years of calling for national collaboration, the Victorian government welcomes the new era of partnership between Australian governments.

We welcome the Rudd government's Nation Building — Economic Stimulus Plan, which provides the support needed by the states and territories to mitigate the impact of the global financial crisis.

We are pleased to have signed national partnership agreements that will enable us to improve vital services in health, education and housing.

And we fully endorse the new nation building funds — because they offer considerable scope for further collaboration with the commonwealth to help Victoria to deliver the infrastructure needed to manage strong population growth and build for the future.

Delivering core services

Speaker, in a severe economic downturn, it is critical to maintain the integrity, support and strength of our core public and community services — services that Victorians use and rely on every day.

When our government first came to office we made a commitment to restore and rebuild these services after many years of neglect and indifference.

We have maintained that commitment, and we will continue to maintain that commitment in good times and in adverse circumstances.

Record investment in education and skills

Education has been — and always will be — this government's no. 1 priority. Every parent knows that a good education is the pathway to a rewarding, satisfying job for their child — and this budget delivers a record \$4.1 billion to continue to build a

high-performing, first-class education system in Victoria.

We will provide \$402 million for the next stage of the Victorian schools plan, including major school regeneration projects in Wangaratta, Wodonga, Leongatha and Bendigo.

We will build new schools in high growth areas.

We will build three new specialist maths and science centres — and fund 250 teaching coaches in maths, science and information technology.

We will provide funding for an extra 4000 kindergarten places across Victoria and — in partnership with the commonwealth — we will give every Victorian child access to 15 hours per week of early childhood education in the year before school, by 2013.

Securing jobs now and into the future also requires a skilled workforce, and the Brumby Labor government is a recognised leader in this area.

In August last year we announced the \$316 million Securing Jobs for Your Future package, which provides Australia's first universal entitlement for vocational education and training.

This budget provides funding for these reforms, which will create up to 172 000 additional training places from July this year.

We will also fund more than 6400 new training places in the Skills to Transition program and assist at least 1150 disadvantaged jobseekers gain the skills needed by key Victorian industries through New Workforce Partnerships projects.

I know what a difference the opportunity to develop new skills can make in the lives of young Victorians. In this budget, we will support more than 13 000 new apprentices and trainees by extending the highly successful apprenticeship and traineeship completion bonus scheme.

We will also work with the commonwealth to provide an extra 15 000 training places in areas of skills shortage.

We want all Victorian workers to have the skills they need to secure jobs. We want all young Victorians to acquire the right skills they will need to take up jobs in the industries of the future. And we want Victorian industries to be ready to go when the global recovery arrives — something that will only happen if they have access to the right workers with the right skills.

Investing in the health of all Victorians

Speaker, this budget also invests in excess of \$2.6 billion to ensure that Victorians continue to have access to world-class health care and the latest advances in medical treatment.

We are providing \$350 million to create greater capacity in our health system to meet the growing demand for hospital services and treat an extra 39 500 patients each year.

We will increase funding by \$66 million to meet the growing demand for medical services such as renal dialysis, chemotherapy and radiotherapy.

Next financial year we will provide funding to treat an extra 9000 elective surgery patients and an additional 20 000 public dental patients.

We will undertake major upgrades of regional hospitals in Ballarat, Alexandra and Geelong, and deliver the next stages of the Warrnambool Hospital redevelopment and the new Sunbury Day Hospital. We will also undertake upgrading works at Bendigo Hospital to enable its future redevelopment.

These projects will provide direct benefits to those who are engaged in building new facilities, to those who work in the upgraded hospitals and — of course — to the patients who are treated there.

We will provide \$10 million to extend digital screening technology to all BreastScreen Victoria services — improving the early detection of breast cancer, especially in regional areas.

In this budget, we have also made provision for further funding of hospitals, which will follow the announcement of the commonwealth's Health and Hospitals Fund later in the year.

Building a transport network for the future

Speaker, this budget also provides for the first tranche of the Brumby Labor government's \$38 billion Victorian transport plan — an unprecedented level of investment that will deliver the transformational rail, road and freight projects needed to underpin economic growth and support our growing population.

This budget provides more than \$1.9 billion for a major step-up in Melbourne's public transport networks — including the biggest boost to the city's rail network in 100 years.

We will provide \$562 million to extend the Epping line to South Morang.

We will electrify the Sydenham line to Sunbury.

We will build new train stations in high-growth areas at Williams Landing, Lynbrook and Caroline Springs.

We will buy 20 new metropolitan trains — in addition to new regional and city trains already purchased by the government.

These large-scale rail projects deliver many benefits, but they make considerable demands on the state budget. Invariably, these projects must first fix existing problems that limit capacity on the network — before we can start building for the future.

That is why we have to plan carefully for these projects — and why we are seeking support from the commonwealth government's Building Australia Fund to deliver some major rail projects over the coming years.

More people also means more cars on our roads, and the budget funds major road projects in Melbourne and throughout regional Victoria — including the 26-kilometre, toll-free Peninsula Link between Carrum Downs and Mount Martha, the Dingley arterial and major upgrades to the Western Highway.

The budget also provides funding to re-establish passenger rail services to Maryborough and to upgrade key lines on the regional rail freight network in northern, western and eastern Victoria.

The government is also delivering important initiatives to ensure that more people in Melbourne will live closer to public transport and other services, reducing urban sprawl and creating more jobs outside the CBD.

In this budget we provide \$139 million for urban improvement projects to help drive employment growth at six major suburban centres: Broadmeadows, Ringwood, Footscray, Frankston, Box Hill and Dandenong.

Building livable and caring communities

Speaker, the Brumby Labor government's view that a strong economy is underpinned by a fair society and livable, caring communities is reinforced in this budget.

Building on the \$4 billion already invested by the government in A Fairer Victoria, the budget provides targeted new investment to make sure that no Victorians are left behind during the economic downturn.

We will deliver the largest investment in the state's out-of-home care system for many decades, providing

\$135 million to significantly improve the quality of support and care for children who are unable to live with their parents or families.

We will provide \$72 million to give more Victorians access to legal support services, including continuing the groundbreaking and successful family violence courts at Ballarat and Heidelberg.

We will commence a new statewide Respect campaign to encourage community engagement and volunteering. For an example of just how great a contribution volunteering can make, we need look no further than the extraordinary courage and dedication of our volunteer firefighters during the recent bushfires.

Volunteering encourages respect for others and respect for our wider community — and the government wants to encourage more Victorians to consider getting involved in their communities.

We will also invest \$182 million to further improve mental health services, including new services for young Victorians at Bendigo and Frankston, an expansion of mental health services at Dandenong and Maroondah hospitals and a new program that will provide early intervention, treatment and support for children and adolescents.

Building on a record investment in last year's budget, we will provide \$87 million to create further opportunities for Victorians with a disability to live independently and to be engaged in their communities.

This government is at the forefront of substantial endeavours to improve support for people with a mental illness or a disability. Nationally we lead the way in improving and reforming mental health services.

The Brumby Labor government takes great pride in this investment — not only because it means better support for individuals and their families, but because it also reflects our belief that helping all Victorians to achieve their potential and live productive, fulfilling lives is good for our society and our economy.

Delivering the government's priorities

Speaker, this budget continues to deliver the Brumby Labor government's priorities.

Alongside major new investment in transport, schools and hospitals, the budget supports the government's commitment to water and energy projects across Victoria.

Over the last five years the government and its agencies have allocated well over \$5 billion in water projects, including the Wonthaggi desalination project.

Through our energy technology innovation strategy we have already invested more than \$250 million in future energy projects — and this budget provides a further \$100 million to encourage large-scale solar power generation.

Ahead of the release of the government's climate change white paper later in the year, the budget also provides funding for four new national parks on the Murray River to protect Victoria's unique river red gum forests.

The Brumby Labor government continues to ensure that Victoria offers a highly competitive business environment. The government's commitment to reduce red tape by 25 per cent over five years has already led to major reductions in business costs — in addition to the more than \$5 billion in tax cuts delivered by the government since 1999.

We remain committed to sustaining Victoria's competitive edge in key industries — and this budget includes new support for our defence, biotechnology and rail manufacturing industries.

Appropriation bill

Speaker, the Appropriation (2009/2010) Bill provides authority to enable government departments to meet their agreed service delivery responsibilities in 2009–10.

The bill supports a financial management system that recognises the full cost of service delivery in Victoria and is based on an accrual framework.

Schedule 1 of the bill contains estimates for 2009–10 and provides a comparison with the 2008–09 figures. In line with established practice, the estimates included in schedule 1 are provided on a net appropriation basis.

This budget continues Victoria's record of leadership in accounting practice, presenting our reports in accordance with applicable Australian accounting standards.

The budget has once again been reviewed by the Auditor-General as required by the standards of financial reporting and transparency established by this government in 2000.

Conclusion

Speaker, in our time in office, this government has radically changed the dynamics of the state budget.

We have shifted the budget towards giving priority to core public services, such as education, health, transport and community safety.

We have quadrupled investment in vital public infrastructure since 1999.

We have rebuilt hospitals and health centres, aged-care services, schools and community facilities right across the state.

We have turned around decades of underinvestment in regional Victoria.

We have shown that it is not necessary to starve core services of funds, sack workers and slash public investment in the name of good economic management.

In doing these things, we have strengthened the underlying capacity of this state to survive the current global economic downturn.

We do not know how far-reaching the impacts of this downturn will be. No-one can predict exactly when the global recovery may kick in. But we do know that Victoria is well positioned to manage these impacts and make a good, strong recovery.

By investing even further in skills and infrastructure, this budget puts a very solid floor under Victoria's longer term economic prospects.

By delivering jobs, this budget not only boosts economic activity but secures the livelihoods of many Victorians and their families during the economic downturn.

In this budget, the Brumby Labor government delivers the strong leadership and responsible investment needed to see Victorians through the global financial crisis and build for a better, brighter future.

It is a bold and forward-looking budget. It is the right budget for the times and it is the right budget for Victoria.

Speaker, I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 7 May.

Serjeant-at-Arms escorted Mr Lenders from chamber.

**APPROPRIATION (PARLIAMENT
2009/2010) BILL**

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2009–10.

Estimates tabled.

Introduction and first reading

Mr BRUMBY (Premier) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2009–10 and for other purposes.

Read first time.

Statement of compatibility

Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Appropriation (Parliament 2009/10) Bill 2009.

In my opinion, the Appropriation (Parliament 2009/10) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Appropriation (Parliament 2009/10) Bill 2009 is to provide appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2009–10 financial year.

Human rights issues

1. *Human rights protected by the charter that are relevant to the bill*

The bill does not raise any human rights issues.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not raise any human rights issues, it does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise a human rights issue.

John Brumby, MP
Premier

Second reading

Mr BRUMBY (Premier) — I move:

That this bill be read a second time.

The bill provides appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2009–10 year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2008/2009) Act 2008 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2009–10 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the presiding officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is \$96.048 million (clause 3 of the bill) for Parliament in respect of the 2009–10 financial year.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Tuesday, 19 May.

RULINGS BY THE CHAIR

Adjournment: guidelines

The SPEAKER — Order! I wish to clarify a matter regarding the raising of issues in the adjournment debate. Previous rulings make it clear that a member can raise only one matter for the attention of one minister during a contribution to the adjournment debate.

A more recent trend has developed where a member raises an issue, for example, road problems in their electorate, and seeks action from the minister to address that problem. In doing so the member may illustrate the issue by identifying a number of specific road problems

they believe need rectification. In my view the raising of an issue in this manner is appropriate, as one issue is being raised within the responsibility of one minister.

Last sitting week the member for Doncaster sought action from the Treasurer to deliver funding in the upcoming budget for facilities and services in the Doncaster area. The member then went on to identify three projects that fell within the responsibilities of the Minister for Health, the Minister for Public Transport and the Minister for Roads and Ports respectively. It is not reasonable to expect the Treasurer to respond in detail to issues that fall within the responsibilities of other ministers. In my view this violates this house's practice of allowing a member to raise one matter for the attention of one minister, and such action will not be permitted in the future.

STANDING ORDERS COMMITTEE

Review of joint standing orders

Mr BATCHELOR (Minister for Community Development) — By leave, I move:

That the resolution of the house of 4 December 2008 providing that the Standing Orders Committee be required to present its report on a review of the standing orders regarding the passage of legislation, the opening of Parliament and petitions by 4 June 2009 be amended so far as to require the report to be presented to the house by 10 December 2009.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Community Development) — I move:

That under standing order 94(2), the orders of the day, government business relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 7 May:

Crimes Amendment (Identity Crime) Bill

Justice Legislation Amendment Bill

Parliamentary Salaries and Superannuation Amendment Bill

Planning Legislation Amendment Bill

Road Legislation Amendment Bill

The motion clearly indicates that the legislative program being put forward by the government this week is being curtailed to accommodate the

requirements of the budget, both its presentation — and we have just heard the Treasurer's speech on the excellent budget — and also the response which will be delivered by the opposition on Thursday morning —

Mr K. Smith — That will be excellent too!

Mr BATCHELOR — We will wait and see about that. Accordingly, there are only five pieces of legislation on the government business program. I point out to members of the house that on Thursday, following the response by the opposition, we intend to debate the budget for the remainder of the day. In terms of the time available for second-reading debate on the government business program items, that will take place today and tomorrow, with Thursday devoted to the budget debate.

I see the content and form of this week's government business program as being capable of providing time for second-reading debate on legislation and progressing items of legislation while also accommodating the requirements of dealing with the budget, which is the all-important piece of legislation of the Parliamentary year. I commend the motion to the house.

Mr McINTOSH (Kew) — The opposition does not oppose the government business program. Given that the focus this week will be on the budget and the budget response to be given on Thursday, the normally lengthy government business program has been curtailed to some extent. My view is that we will be able to give members adequate time to make their contributions to debate on the five bills on the government business program.

Mr LUPTON (Pahran) — I rise to commend this week's government business program to the house. Clearly, it is the week in which the state budget for the year is delivered, and this will take up a considerable amount of time once we resume the debate on Thursday. However, the government business program has been structured around that. I believe the bills listed on the program are satisfactory in number and that the house will be able to deal with them as well as resume the budget debate on Thursday. I commend the program to the house.

Mr DELAHUNTY (Lowan) — On behalf of The Nationals I rise to say that we are not opposed to the government business program. As was highlighted by the Leader of the House and other speakers, debate on the budget will take prominence this week, and all of Thursday has been allocated to that debate.

Obviously it is also important to debate the other five bills. In particular I hope adequate time is given to the Planning Legislation Amendment Bill. There is a little bit of controversy about that bill which needs to be highlighted and recorded. Hopefully there will be some action from the government on matters raised. From a country point of view The Nationals are also very keen to outline some of their concerns in relation to the Road Legislation Amendment Bill. Already many members of The Nationals have spoken to me, as the whip, because they are keen to speak on the Road Legislation Amendment Bill which will be debated today and again tomorrow.

I highlight again that there are three matters which are still to be finalised: two pieces of legislation and the annual statement of government intentions. We have only had a few speakers on that statement so far, and I am not sure we will get much time to debate it in the coming months. It will be interesting to see whether the debate is finished by the end of the year. There is the Primary Industries Legislation Amendment Bill. Amendments have been approved by the Legislative Council, and we are interested to see whether the government will bring it back into this chamber for debate. There is also item 12 on the notice paper, the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. Again, I highlight that it is still on the list of government business, and it needs to be attended to. With those few words, and with a big week in front of us in relation to the budget, I indicate that The Nationals do not oppose this week's program.

Mr HODGETT (Kilsyth) — I have a few brief comments on the government business program. As has been stated, we do not oppose the program for this sitting week. We need to get through the five bills, and we should not have any problem doing that by 4.00 p.m. on Thursday. I am aware that a number of speakers wish to make contributions to the debates on the Crimes Amendment (Identity Crime) Bill, the Planning Legislation Amendment Bill and the Road Legislation Amendment Bill. As has been stated, on Thursday morning we will hear the opposition's response to the budget, and the rest of Thursday will be devoted to the budget debate. We do not oppose the government business program, and I conclude with those brief comments.

Motion agreed to.

MEMBERS STATEMENTS

Environment: water programs

Dr NAPTHINE (South-West Coast) — It is a tragedy that two of the most effective and practical on-the-ground environmental programs are being gutted by the federal and state Labor governments. In the Glenelg Hopkins region three Waterwatch officers and eight Landcare coordinators will lose their jobs and their vital environmental work will be discontinued on 30 June due to cuts in federal and state funding for the local catchment management authority.

Waterwatch educates and encourages all Australians, particularly young people and farmers, to protect and better manage our precious waterways and catchments. It also provides a monitoring network for stream water quality. Landcare is an iconic environmental program which works with farmers and land managers to undertake effective practical work to rehabilitate and improve our environment. Yet both of these great programs are now under threat because of cuts in funding for key on-the-ground staff by both federal and state governments.

These decisions — to take away funding from Waterwatch and Landcare — highlight the hypocrisy of the Labor Party on environmental issues. Labor is big on environmental rhetoric, but it is actually cutting budgets and staffing to vital, effective, on-the-ground environmental programs like Waterwatch and Landcare, which deliver sound environmental outcomes. I urge the government to reconsider these harsh cuts to essential environmental programs.

Pete Seeger

Mr BATCHELOR (Minister for Community Development) — On 3 May 2009 Pete Seeger turned 90 years of age. From the working people of Australia and the state Parliament of Victoria, I send him warm birthday greetings. Pete Seeger is a writer and folk singer from the United States of America who has provided the world with both inspiration and entertainment. Pete has sung for freedom, civil rights, justice, equality and peace. Pete has sung about and for industrial workers, unions, farmers, migrants, blacks, children, the environment, women, the unemployed, love and understanding. He has had a long and illustrious career.

In 1955 Pete stood up to the political thuggery of the House Un-American Activities Committee of the US Congress. In retaliation a ban on his appearing on television was instigated — a vicious act against any

entertainer. In spite of this he continued to write, sing, record music and entertain live audiences around the world, including in Australia. His will to overcome such institutional discrimination triumphed when on 18 January 2009 he sang for Barack Obama at We Are One, the Obama inaugural celebration at the Lincoln Memorial in Washington. Senator Joseph McCarthy would still be fuming in hell. Pete Seeger had a hammer for justice, a bell for freedom and an all-embracing song about love. Happy birthday, Pete Seeger.

Winton Motor Raceway: V8 supercars

Dr SYKES (Benalla) — Last Sunday I joined thousands of other spectators at Winton Motor Raceway to witness round 6 of the Australian V8 Supercars Championship Series. It was a glorious autumn day and the racing was very exciting. Craig Lowndes won after an exciting battle with Mark Winterbottom, Garth Tander and Paul Dumbrell, who led for much of the race. I congratulate Benalla Auto Club for its excellent organisation of the three-day event, which brought thousands of people to north-eastern Victoria. Wangaratta and Benalla in particular benefit from the V8 supercars championship series, as well as the many other events conducted at Winton.

An issue which is constantly raised with me by Don Bartlett, chair of the development committee of Benalla Auto Club, is how much more Winton Motor Raceway events could contribute to the local economy if it were able to access state government support. In particular, Don Bartlett, the member for Murray Valley, the Rural City of Wangaratta, the Rural City of Benalla and I see a great opportunity for the V8s to be the centrepiece of a major regional event with associated state government support. Winton, along with the Bright Autumn Festival, the Upper Goulburn wine region at Mansfield and a host of tourism-related activities, has the potential to grow into an even greater contributor to the local economy. I ask that the state government sit down with key people to put in place a process to take advantage of this wonderful opportunity.

Football: Country Fire Authority Cup

Ms GREEN (Yan Yean) — It is always a pleasure to watch the great footy at Panton Hill, and even more so if the match is the annual Country Fire Authority Cup hosted by the Panton Hill Football Club and played between Panton Hill Primary School and St Andrews Primary School. The CFA Cup is played in memory of two former Panton Hill Football Club players, Stewie Duff and Neville Jeffery, who were young men who lost their lives fighting the Ash

Wednesday fires of 1983. This year's match was all the more poignant given how many locals were personally affected by the terrible events of Black Saturday.

This year the St Andrews kids were victorious, but overall both boys and girls displayed great skills and play. It is indicative of why the Pantom Hill Juniors are doing so well, as students from both schools play for the club. The best goal kickers on the day from St Andrews Primary School were Jacob Ramsay and Ryder Penney, who kicked two goals each, and Eden Simpson, who kicked one goal. They were also the three best players. Pantom Hill Primary School's Emma Burke kicked two goals. She was also one of the school's best players, along with Jack Taylor and Harry Whitley. I urge the club to recruit Emma Burke — she is excellent.

It was a privilege for me to present the CFA Cup to St Andrews Primary School, along with Go for Your Life drink bottles to each player. Well done to Pantom Hill Football Club for hosting the CFA Cup and also for presenting a \$500 cheque — the funds being raised from locals — to the CFA captains from the Pantom Hill and St Andrews brigades, who were in attendance.

Bushfires: raised-bed farming

Mr MULDER (Polwarth) — At the recent bushfire forum held in Colac, which I sponsored, a concern was raised with regard to fighting fires in areas where farmers were using raised-bed technology to grow their crops. This issue is particularly relevant to the Berrybank area in south-western Victoria. Not only is there a problem with access for Country Fire Authority (CFA) vehicles on land being farmed using this method, but I am also advised that 45 per cent of this land is located within the 4000 hectares set aside for the Berrybank wind farm — and due to the success of this farming practice, it is expected that percentage will increase in the not-too-distant future. Farmers in the Berrybank area are not opposed to the wind farm. However, given that there is no policy on fighting fires on raised beds and that the wind farm developer has stated that no aircraft would be able to fly near the turbines, the farmers in the area have major concerns as to how a wildfire could be brought under control.

I am advised that in 1994 Berrybank was devastated by fire and that in 1997 a fire north-east of the town, which was started by a faulty power pole, burnt thousands of hectares of land. In the last two years the local CFA brigade has been called to two power pole fires and one house fire on the wind farm site. It is therefore critical that all key stakeholders develop a fire management plan that will reduce the risk of fire and that this plan be

put in place in conjunction with the approval process for the Berrybank wind farm and at all locations that have raised-bed cropping and wind farms throughout Victoria.

Choral@Montsalvat festival

Mr HERBERT (Eltham) — On Sunday 3 May, I was delighted to open the 6th annual Choral@Montsalvat festival. The event is a fantastic initiative and provides an opportunity for artists, young and old alike, to perform in the beautiful surrounds of Montsalvat. I would like to congratulate the organisers — Faye Dumont, the artistic director, and Linda Mitchell, the president of the choirs — and the more than 500 artists who performed across three stages and put in long hours working and rehearsing to make the event a reality.

The festival was a major success, with the grounds of historic Montsalvat packed to capacity on a glorious autumn Melbourne day. There was a diverse range of performers, from schoolchildren to the extremely experienced singers of the Melbourne Chamber Choir and the Melbourne Women's Choir. I was particularly delighted to see one of the schools from my electorate, Greenhills Primary School, open the event. The school has a great reputation in my community for the wonderful education it provides children, and extracurricular activities such as the choir add enormously to students' broader education.

Melbourne has enjoyed great entertainment in recent months with the Melbourne International Comedy Festival and the Melbourne International Jazz Festival. But the performance by Greenhills primary of *Child of Tomorrow* and *We Do Jazz* was by far the most uplifting performance I have seen all year. I congratulate the conductor and music specialist teacher at Greenhills, Kate Stewart, on the terrific job she did in developing such an accomplished children's choir. I also congratulate writer-accompanist Robyn Williams for her support and inspiration. And of course I congratulate the children for the great job they did.

Water: desalination plant

Mr K. SMITH (Bass) — The secrecy surrounding the socialist Brumby government's desalination plant continues. Firstly, there has been no discussion on the siting of the plant; just the decision. Secondly, there has been no discussion on the overhead powerlines; just the decision. Thirdly, there has been no discussion on the route of the 2-metre pipeline to Melbourne; just the decision. And, fourthly, there has been no discussion on the siting of the pump station for the pipeline to

Melbourne, which is just a dot on the plan, yet it is going to be on a 2.5 hectare site on a farm in Cardinia.

Here is a farm in the quiet little community of Cardinia which will have a 94-metre long, 12-metre wide and 7-metre high shed that will house the pump and the toxic chemicals that will be put into the water being sent to Melbourne. This property is for grazing cattle, and the threat of chemicals being stored on the property puts the cattle at some risk. More importantly, it also puts at risk children at the nearby local primary school.

The worst part of this is that neither the Brumby socialist government nor any of its staff bothered to inform the local landowner or the local community about what was planned. Acting Speaker, you must understand the large amount of toxic chemicals being brought to this site will come in on inadequate local roads, past the local school and across the farmer's land — and nobody was told. It was only a dot on the map, but what a toxic dot it turned out to be for the Cardinia community.

Strathmore Secondary College and University High School: musical tour

Mrs MADDIGAN (Essendon) — I would like to congratulate the students from Strathmore Secondary College in my electorate and University High School in the electorate of the Minister for Education who recently completed a musical tour of France. These students sang and played at a number of venues around France and I think did a great deal for the reputation of Victoria in that country. They also sang at the dawn service at Villers-Bretonneux and later that day joined the local choir and the local band in a quite extraordinary concert in the covered market area.

The students from Strathmore Secondary College and University High School were great ambassadors for Victoria, and they were very well received by the French community. I congratulate the students from both schools and the staff involved in the whole process. I know the audiences at the concerts where they performed very much enjoyed their performances and were very supportive of Victorian musicians going to and playing in France.

Christie Centre: funding

Mr CRISP (Mildura) — The Christie Centre in Mildura is an organisation that provides disability services and is over its funding level by about 36 per cent. Additional funding has been made possible in the past through fundraising events and Round Again, an innovative recycling business, but the global financial

crisis is affecting the returns for recyclables and thus the ability of Round Again to contribute to the Christie Centre's operations.

The Christie Centre is a block-funded service that is in transition to individual funding programs and will struggle to adapt to the new funding model. This, along with increased compliance and regulatory requirements, will endanger the centre's ability to deliver services. I call on the Brumby government and the Minister for Community Services to provide extra funding to cover the gap for this organisation that is in transition.

Water: citrus industry

Mr CRISP — On another matter, I urge the Minister for Water to approve the proposal to allow carryover water to be piggybacked onto the critical human needs water to allow direct diverters and pumps district horticulturalists to access their carryover water. Currently carryover water is an issue, particularly in relation to its delivery. Approval of the proposal would allow carryover water to be available from 1 July.

The citrus industry needs water for frost mitigation to protect a crop which has good marketing prospects and has cost a considerable amount to get to this stage. Lack of water at a critical stage will be disastrous. The minister should act now to give horticulturalists confidence to go on and market this crop, particularly with the advances that have been made in marketing in Japan.

Bushfires: appeal fund

Mr FOLEY (Albert Park) — We have heard a lot about how the tragic bushfires in February have brought out the best in Victorians. A particular example of this is the art auction organised through the coming together of artists, galleries and others for the Art for Life: Art Auction Bushfire Appeal, which I had the pleasure of attending recently. The Art for Life bushfire appeal was established to raise money for the rebuilding of communities tragically affected by the bushfires in February. Acting as a grassroots community-for-community effort to raise funds, the auction also sought to be a celebration of the creative spirit of the arts community, both in the affected communities and in other communities.

One hundred per cent of the funds raised from the sales of the works has gone to the bushfire cause. All involved in making this idea a reality volunteered their time; this includes the entertainers, the function volunteer staff, the commercial sponsors, the galleries and of course the numerous artists. This event raised

over \$18 000 through the auctioning of more than 100 artworks. This money, via the Lord Mayor's Charitable Foundation, has made its way to the bushfire appeal fund.

Thanks for organising this event need to go Wendy Dustan, Kazz Stafford, Tony Longo, Ralph Spethmann, Sarah Finlay and Max Goonan as the driving forces for the event. Thanks must also go to the Melbourne City Council and to the galleries that supported the event, including New North, the Cultural Development Network, Craft Victoria, the Alcaston Gallery, the Pollock Gallery, Arts Hub, Applebox, the Karen Woodbury Gallery and the Brenda May Gallery. Their combined efforts have been much appreciated.

Police: Kilsyth electorate

Mr HODGETT (Kilsyth) — My message today is simple: more police are needed on the streets in my electorate of Kilsyth. In the last week alone I have been told by my constituents that something needs to be done to tackle the graffiti that is becoming all too prevalent on fences and public amenities, that we need to curb senseless vandalism to both private and public property, including local bus shelters, and that hoon drivers, drivers who speed and drivers who flout basic road rules need to be brought to account to make our streets safer.

An example can be seen in and around Tamworth Road, Kilsyth, near the home of no less a person than the former member for my electorate. There are ever-increasing levels of antisocial behaviour, standover tactics and general lawlessness that have scared local residents and forced people to make the decision to move out of the area. We know it is not the fault of the police on the ground — the police in my electorate at both the Croydon and Mooroolbark stations are working hard, but their limited resources are increasingly stretched, despite what senior police spokespeople have to say to the media on the matter. Police in my area are struggling with a system those opposite have created — a system that is unable to cope.

While Sideshow Bob and the government will claim that their budget will cure all ills, how will they explain to my constituency — —

The ACTING SPEAKER (Mr Ingram) — Order! The member for Kilsyth should refer to members by their titles.

Mr HODGETT — How will they explain to my constituency that everything is okay? The residents of

my electorate are telling me, as I know they are telling other members, that the rule of law in this state is tenuous at best. These are the voices of those who are truly on the front line of crime — the victims. It is high time the minister and the government recognised and acknowledged the police, crime and law and order issues in my electorate and did something to fix them. Uphold the right!

Financial services: interest rates

Ms GRALEY (Narre Warren South) — At a time when the economy is contracting and mortgage payments are proving very difficult for an increasing number of families, especially in the fast growing outer suburbs, it is an absolute disgrace that Australia's largest banks are not passing on the full benefits of interest rate cuts. We are constantly told that our banks are well regulated and are in the best position to cope with the global financial crisis. I note that last week the National Australia Bank's domestic operations posted a first half profit of \$103 million. In trying to defend the banks' behaviour, comments such as those from the head of the ANZ who said that people — even financial analysts, I heard him say on *Inside Business* — do not know how banks work, are unhelpful and patronising.

We know that profit margins on home loans have reportedly increased due in part to the exit of non-bank lenders from the market, and our banks are benefiting from government stimulus measures, including the first home owner boost, which has contributed to the creation of more home loans. Our banks are also benefiting from stimulus measures overseas, which contribute to cheaper overseas funding for Australian banks.

It is time that our very strong and profitable major banks gave something back to the community. Banks are not everyone's favourite entities, and decisions like this do not endear them to the public. The Reserve Bank of Australia's 0.25 of a percentage point rate cut should have been passed on in full, as should future interest rate cuts.

I congratulate the federal Treasurer, Wayne Swan, for the pressure he has been putting on the major banks. I urge the well-paid executives who manage the banks to reconsider their decisions. The global financial crisis is not of the making of the good people of Narre Warren South and they should not be unreasonably asked to suffer. It is time for the banks to look after their customers as their first priority.

Crime: street violence

Mr R. SMITH (Warrandyte) — Over the course of recent weeks we have continued to see evidence of the Brumby government's failure to address the escalating violence in our streets. Just one day after we saw the appalling images of a morning brawl in our streets on 14 April, our Premier made this comment in relation to the government's response to the violence: 'We're making progress'. Progress to the Premier may mean that he is setting a record for the amount of ineffective and failed initiatives that he has proposed and implemented over the past two years. For the rest of us progress would mean an actual decrease in the number of violent incidents, something that has not happened. While the Premier throws up his hands and denies responsibility, preferring to blame club and pub owners, the situation gets worse.

When the opposition points to clear evidence why violence has exploded onto our streets — the fact that police patrol hours have been brutally cut in past years in almost direct correlation to the escalation of that violence — what does the government do? It says that the police timesheets used to support this contention are all wrong, that they have been wrong for years and that the whole system needs an overhaul. It is an example of how weak the government's position is when in order to explain one of its failures it cites another perhaps more palatable one to cover the first.

Victorian families are being devastated by this government's continued inaction. We see the faces of the victims every week on our television screens. The Premier says it is going to take another 12 to 18 months to fix the problem, something he said months ago. How many more families need to suffer because this soft-on-crime government is unwilling to act, or worse, simply does not know what to do?

St Nicholas Serbian Orthodox Church, Geelong: anniversary

Mr TREZISE (Geelong) — On Saturday, 2 May, I had the pleasure of representing the Premier when Geelong's Serbian community celebrated the 50th anniversary of its church, the St Nicholas Serbian Orthodox Church. The night was held at the Geelong West town hall, with more than 200 people in attendance, including many children who participated in traditional dances and one or two elderly members of the community who actively participated in the construction of the church in the late 1950s. Also in attendance was His Grace Bishop Irinej, Father Momcialo of St Nicholas in Geelong, and president of the Geelong Serbian community, Dragan

Stanisavljevic. As I mentioned, during the night those in attendance were treated to traditional Serbian dance and music, and interestingly a history of the community and the St Nicholas Serbian Orthodox Church over the last 50 years.

Geelong is a great community. This is in no small part thanks to the contribution of the numerous ethnic communities that have made Geelong their home over the last few decades. This includes the Serbian community, which has become a very active and respected community in Geelong following the influx of many families during the 1950s and again in the 1990s. I congratulate all those people who made Saturday night's celebration so enjoyable. I look forward to working with the Serbian community for many years to come.

Carbon pollution reduction scheme: implementation

Mr NORTHE (Morwell) — Given the Rudd government's decision to delay the implementation of the carbon pollution reduction scheme (CPRS) for 12 months, the Brumby government must now commit to undertaking an inquiry that will identify the impacts of a CPRS upon Victorian communities and economies. The Latrobe Valley, which supplies up to 85 per cent of Victoria's energy needs, will be severely impacted, but no-one is able to identify precisely what and how extensive these impacts will be.

The Brumby government's response thus far has been to provide a submission to the federal government's carbon pollution reduction scheme green paper, expressing its concern with various aspects. However, this does absolutely nothing to provide Latrobe Valley businesses or the community with any certainty into the future. In fact the faith this government has bestowed in the Rudd government to get this right beggars belief, particularly when the energy minister just last week stated that the introduction of a CPRS must not be delayed, and yet four days later the Prime Minister announced a delay of 12 months.

It is extremely difficult for businesses to implement plans and strategies for the future when the impacts of a scheme such as this are not understood. There is strong concern from the business sector and the community that jobs will be lost as a consequence of the CPRS in its current form. Therefore it is imperative the Brumby government undertake an inquiry with extensive community and business consultation to understand the real impacts of the federal government's CPRS and provide some certainty for the Latrobe Valley into the future.

Bushfires: Gembrook electorate

Ms LOBATO (Gembrook) — Today I wish to thank more of the individuals and organisations involved in the bushfire response within the electorate of Gembrook. I wish to thank all Victoria Police members from stations within my electorate, including Emerald, Pakenham, Yarra Junction and Belgrave. I also wish to thank members from Knox. All members went above and beyond the call of duty, and their contribution was appreciated by many constituents who have expressed their thanks to police through me.

I also wish to thank all Victorian fire tower watchers, and acknowledge the very dangerous situations they face and the horrific experiences they endured on 7 February. I would like to thank Egg Rock fire tower watcher, Pete, and Poley fire tower watcher, Graham Seppings.

Where would we be without ECHO, the Emerald Centre for Hope and Outreach? It is not just an incredibly vital youth service in the Gembrook electorate but was also instrumental in its response in assisting young people in Kinglake and surrounds. Director Wayne Collins and his team immediately moved into the bushfire-affected areas and set about providing much-needed services.

I wish to thank all members of our communities who attended my bushfire feedback workshops held in Warburton and Gembrook last week. The information received is to be used as part of the submission that I will be making on behalf of my electorate to the royal commission. I would like to also thank the Treasurer and the Minister for Police and Emergency Services for attending these forums to hear firsthand the experiences of Gembrook electorate residents.

Police: Hastings

Mr BURGESS (Hastings) — The state Labor government has once again demonstrated its utter contempt for the safety of our community and our police officers. The Brumby government intends to hide its failure to provide sufficient police officers to my community by closing the Hastings police station at night. Incredibly the Langwarrin-Carrum Downs station, which has not even been built yet, has also been stripped back from Labor's election promise of 24 hours a day to just 16 hours. Overnight, when the majority of crimes occur, these two critical police stations will sit in darkness. The Premier obviously does not understand that criminals do not keep office hours!

The Brumby spin doctors have been hard at work trying to sell the closures as 'good for the community', arguing that if you close stations, more police can be on the beat. If that were desirable, we would never have police stations. That sort of logic is an insult to the community. The truth is that the presence of a police station with police in it does a lot for the confidence and morale of our community, and has the opposite effect on criminals.

In the Hastings area our hardworking police officers spend much of their time trying to cover officer shortages in Frankston, Mornington or elsewhere. If the Premier gets his way, there will be more and more times when there will be not one police officer on the entire eastern side of the Mornington Peninsula — a disgraceful situation. Front-line policing hours on the peninsula have decreased by an alarming 9576 hours, or 18 per cent, since 2002. Over the same period violent crime has increased by 46.8 per cent.

The Brumby government spends less on police than any other state. Not surprisingly Victoria has the lowest number of police per capita. There will be a rally and march on Thursday, 14 May, at 11.00 a.m. in an effort to keep a 24-hour police station at the Hastings foreshore. I invite the Premier and the Minister for Police and Emergency Services to attend and explain themselves.

Frankston electorate: Premier's Active Families Challenge

Dr HARKNESS (Frankston) — Congratulations to the many Frankston families who once again took up the Premier's challenge to be more active and healthy by participating in the second annual Premier's Active Families Challenge. Encouraging younger members of our community to be more active is crucial in the fight against diseases such as diabetes, obesity and heart disease. I particularly acknowledge local Frankston schools and students who are taking up the challenge in a variety of ways. It has been a pleasure to visit schools over recent weeks to promote the challenge and acknowledge boys and girls in every year level who are making an extra special and concerted effort to be more active and to eat more healthily.

As there is a direct correlation between active minds and healthy bodies, I have also taken the opportunity when visiting schools to promote the Premier's reading challenge, donate books and bookmarks, and speak to students about the importance of reading. Now in its fifth year, students at Frankston schools are taking up this challenge with gusto, and I applaud them and their teachers for their magnificent effort each year.

Frankston's fabulous schools keep getting better and better under the Brumby Labor government. This government continues to invest heavily in education in Frankston.

With a funding allocation from the Better Schools Today program, Ballam Park Primary School is well on its way to substantial improvements, and as part of the government's \$1.9 billion commitment to renovate, rebuild or extend 500 schools this term, Overport Primary School has been invited into the Building Futures program. This school certainly stands out in its efforts to lift student performance and outcomes.

The Brumby government is getting on with the job of enhancing the education of our kids instead of closing schools and sacking teachers, which is the only contribution the Liberal Party made to education.

Wodonga Middle Years College: funding

Mr TILLEY (Benambra) — I welcome the re-announcement today of the schools regeneration project, in particular for the Felltimber and Huon campuses of Wodonga Senior Secondary College. However, when students and staff at the senior campus need to be wary of where they step or risk falling through the floor, and when the respiratory health of students and staff is put at risk by an outbreak of mould, we would expect to be talking about a school in a Third World country or certainly one of a lower economic standing than Australia, yet this is an Australian school in Victoria.

Wodonga Senior Secondary College was the first in the state to be created with the model of junior and senior campuses. At the time of this model being adopted there was a commitment by this government to rebuild the centre of the school. Other schools in the state which have since followed that model have been upgraded, and yet Wodonga's senior campus awaits upgrades.

Last year when mould was first found at the school about 600 year 10 and year 11 students stayed at home. Two wings of the school were closed, and classes shifted to portable classrooms at Wodonga TAFE. A mould specialist was flown in from Perth, and a massive clean-up operation was undertaken. The mould remains. Work to contain the situation continues, and this is simply unacceptable. White ants have feasted on timber, making movement around classrooms dangerous for staff and students. This is also unacceptable. If the two wings of the school had been replaced when this government promised to do so, the health of students and staff would not have been

endangered. Plans for a two-storey replacement have been on hold.

The ACTING SPEAKER (Mr Ingram) — Order! The member's time has expired.

Dingley: football match

Ms MUNT (Mordialloc) — In sport and education, it is all happening in Dingley Village — a great place to live, work, play sport and raise a family. And what a great football match it was to open the season at Souter Oval in Dingley Village. Dingley debuted in the first division against Mordialloc with a stunning 133-point win. I sponsor both teams, so I wish them all the best for the 2009 season. But it is a bit hard to work out who to barrack for! Congratulations to Moorabbin Airport for closing its airspace for 15 minutes before the start of the game to allow a team of four skydivers to kick off the season by landing on the ground at Souter Oval.

Courtney Osborne

Ms MUNT — Congratulations also to Courtney Osborne from Dingley Primary School on the award presented to her at the 15th annual Victorian school sports awards. Courtney was selected to represent Victoria at the national netball championships in Caloundra, where Victoria finished in second place. Courtney captains the Dingley Primary School netball team and excels at athletics, cross-country, football and softball. Well done, Courtney!

Dingley Primary School: redevelopment

Ms MUNT — Now the Brumby government has announced the rebuilding of Dingley Primary School — a \$5 million commitment to the children and families of Dingley Village, which is a vibrant young area in my electorate. Well done to Dingley Village, and all the best to Dingley Primary School for its rebuilding works. It is going to be absolutely stunning and another testament to the Dingley Village community and the Brumby government.

Bulleen Road–Golden Way, Bulleen: traffic lights

Mr KOTSIRAS (Bulleen) — I once again call upon this lazy and inept government to provide some funds to the City of Manningham for the installation of traffic lights at the T-intersection of Bulleen Road and Golden Way in Bulleen. This lazy government has ignored the residents of this area for over 10 years. We have had 10 dark years of this Labor government, and it is time for a change.

The ACTING SPEAKER (Mr Ingram) — Order!
The time for making members statements has expired.

CRIMES AMENDMENT (IDENTITY CRIME) BILL

Second reading

Debate resumed from 12 March; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Crimes Amendment (Identity Crime) Bill has the primary purpose of establishing new identity crime offences and providing for the issue of certificates of identity crime to victims. The bill has its origins in a March 2008 report of the Model Criminal Law Officers Committee (MCLOC) of the Standing Committee of Attorneys-General entitled *Final Report — Identity Crime*. That report made a range of recommendations, a number of which have been picked up in this bill and one of which has been departed from in this bill.

The MCLOC report contains some useful material outlining the nature and the extent of identity crime. It points out that identity crime can occur with the creation of fictitious identities, through the manipulation of one's own identity, by changing one or more elements, or through the theft or assumption of a pre-existing identity which may be that of someone living or deceased.

The committee's report points out that identity crime can have a number of very serious consequences. Most obvious, perhaps, are financial impacts where there can be a direct financial impact such as the loss of savings. For businesses there are the costs of reporting and investigating identity crime cases, the cost of prevention and the cost of restoring the reputation of a business or organisation.

The report also points out that there can be indirect financial impacts in the form of damage to a person's credit rating, the creation of a criminal record in a person's name and the efforts that a person has to go to to restore their standing and to have corrected the records that erroneously reflect the consequences of the identity crime.

As the report points out, there can also be psychological impacts, other intangible impacts such as facilitating access to citizenship or a false professional affiliation or qualification and, even more seriously, national security impacts, because as the report points out organised crime groups can engage in identity crime on a large scale and international terrorist activity can make use of

identity crime. The report points out that the hijackers involved in the 11 September attacks in the United States used fictitious social security numbers, false identities and fraudulent identification documents. The MCLOC report points out that identity crime can be perpetrated through a variety of means. Online techniques are perhaps the most prominent and can include phishing emails, which are fraudulent emails that induce people to log on to a bogus website and hand over valuable identity data, key-logging devices on computers or the infiltration of computer databases.

The report also points out that online social networking activity can lead people to disclose personal information which, when collected by someone of ill intent, can be used to hijack their identity. There are also various scams that invite people to respond to bogus prizes and the like in order to extract their identity information. In addition to these online techniques, other forms of identity theft include stealing mail, rummaging through rubbish and even eavesdropping on transactions taking place in the public arena in order to obtain personal data.

The report refers to definitions of various aspects of identity crime that were developed by the Australasian Centre for Policing Research. Identity crime is a generic term used to describe activities and offences in which a perpetrator uses a fabricated, manipulated, stolen or assumed identity to facilitate the commission of a crime. Specifically identity fraud is defined as the gaining of money, goods, services or other benefits or the avoidance of obligations through the use of a fabricated identity, a manipulated identity or a stolen or assumed identity. Finally, identity theft is defined as being the theft or assumption of a pre-existing identity or a significant part thereof with or without consent and whether, in the case of an individual, the person is living or deceased.

All these various forms of identity crime come at a substantial cost to the community. The MCLOC report quotes a report entitled *Identity Fraud in Australia*, which was completed in 2003 by the Securities Industry Research Centre of Asia-Pacific for the financial intelligence agency AUSTRAC (Australian Transaction Reports and Analysis Centre) and which came up with an estimate that identity fraud cost Australian large business alone \$1.1 billion in 2001–02. A range of international studies have come up with some striking findings about the extent of identity fraud and other identity crime overseas. For example, an identity fraud survey report found that just under 4 per cent of the adult population in the United States, or 8 million adults, had been victims of identity fraud, at a total cost of US\$49.3 billion. This is a very serious matter indeed.

It is well worthy of attention and whatever measures can be taken through the law and through law enforcement to prevent identity crime and to apprehend and deal with offenders.

The bill creates three new offences: making, using or supplying identifying information with the intent to commit an indictable offence; possessing identification information with intent to commit an indictable offence; and possessing equipment capable of making identification documentation with the intent to commit an indictable offence. These three new offences are provided for in clause 3 of the bill. Despite some variants of wording — and generally improvements in wording — these three offences are very closely based on the recommended new offences contained in the MCLOC report of March 2008. Clause 6 of the bill provides for the issuing to victims of a certificate regarding the identity crime they have suffered following a finding of guilt against an offender.

Although unrelated to identity crime, a final provision of the bill changes the requirements for where a court must record the sentence that would have been imposed on an offender if the offender had not pleaded guilty. This provision in the bill relates to provisions that were enacted not long ago by this Parliament and which provide explicitly that when giving a discount on a sentence because an offender has pleaded guilty, courts must specify the amount of the discount for that guilty plea. As it currently stands, section 6AAA of the Sentencing Act 1991 requires a sentence discount to be noted in the records of the court. The amendment in this bill proposes to say instead that the court must record or cause to be recorded, whether in writing or in another form, the amount of that discount.

In passing let me say that I am not completely convinced of the need for this amendment. I would have thought the provision as it stands gives a fair range of discretion to the court. The change makes it clear it is entirely up to the court how the discount is to be recorded. What is important from a public policy point of view is that the recording of that discount be publicly accessible to such bodies as the Sentencing Advisory Council and to other researchers, and indeed to the media or others who might want to examine the pattern of discounts. When the courts make use of this more general provision, it is important that they still ensure that the data on sentencing discounts is recorded in a way that is accessible to the public for research purposes and purposes of public debate and policy debate.

In relation to the identity crime aspects of the bill, the provision relating to the issuing of a certificate to a

victim after a successful prosecution is a departure from what was recommended by the Model Criminal Law Officers Committee. The committee's recommendation was that a local court, which in a Victorian context is a Magistrates Court, should have the power to issue a certificate if it was satisfied on the balance of probabilities that an offence had been committed. That would be independent of any criminal conviction. The certificate would not be admissible in criminal proceedings relating to the offence, but it would give the victim a certificate which was intended to help the victim restore and reclaim their identity.

MCLOC considered the issue of whether or not the certificate should be available only after there had been a conviction, and it concluded against that. In particular the report quotes a submission from the Australian Tax Office, which states:

Requiring the conviction of the offender before a victim certificate can be issued, is likely to render the certificate of little use to the victim because conviction may not be achieved until many months (or even years) after the offence.

I think the Australian Tax Office has made a strong and valid point — and one that applies directly to the provisions of this bill, which do not allow the certificate to be issued until there has been a conviction. Certainly with the backlog of cases and delays in the Victorian court system it is likely to be years rather than months before many people are convicted. If a victim has to wait that long for the trial and the outcome to go ahead, at that stage the certificate is likely to be of very little use indeed. The point at which a victim needs help is as rapidly as possible after an offence has been identified and the victim is trying to get their life restored as far as possible. That may well be before an offender is even identified, let alone apprehended or prosecuted.

The second-reading speech gives a number of reasons why the government departed from the recommendation in the MCLOC report. It spoke about stakeholder concerns regarding formality, costs and stress; the role of police; the type of evidence and the standard of proof that would be required; and concern that creditors may start requiring victims to obtain certificates before assessing their claims, which would create another obstacle for victims rather than helping them. There may well be some merit in those points, but I think what we have ended up with is something that is likely to be of very little help to most victims of identity crime.

There was another submission made to the MCLOC review from the Australian customs service, which perhaps points to what might be a more productive line of approach. I quote from the report:

The Australian customs service suggested a Director of Public Prosecutions be able to issue a certificate without it being tied to court proceedings.

Following on from that the question could fairly be asked: why is there simply not a mechanism made for the police to issue a relevant certificate? Most honourable members know that in the case of burglaries, thefts and a range of other crimes where the victim wants to make an insurance claim, they make a report to the police, they receive from the police a copy of the record of report that has been taken, after which that record is provided to the insurance company to support the claim. In the vast majority of cases that is accepted as adequate by the insurance company.

I accept that here it is perhaps not quite that easy because identity crimes are more complex, and simply relying on a complaint to the police may not be of much assistance. Given that when a person is the victim of an identity crime they are likely to make a report to the police, the police will investigate and at a certain stage of the investigation will be convinced that there has been an identity crime and that the person suffered as a result, why do we not simply provide for the police to issue a form of certificate that the victim can use?

It needs to be emphasised that the certificate provided for in the bill does not have any particular legal consequences — for example, there is no requirement that once such a certificate has been issued, credit providers and others have to accept that the victim has been the victim of identity crime and that they have to do certain things to restore the victim. In other words, the bill is totally silent as to the consequences of the certificate being issued. Even the draft in the MCLOC report went further, because it specified that the certificate may assist with any problems the offence has caused in relation to the victim's personal or business affairs. So it is not as though the bill is by force of law achieving anything that a certificate issued in appropriate circumstances by the police could not achieve. I put that on the table as an alternative or additional measure that is likely to be far more effective in helping victims than the mechanism that is in the bill.

Some other aspects of the bill need attention also. The Attorney-General in the second-reading speech said:

The requirement to prove intent to commit an indictable offence will ensure that the bill does not capture innocent possession (such as holding a friend's licence at her request) or relatively minor offending behaviour (such as using fake ID to buy alcohol).

I would have thought that was a rather unfortunate choice of words by the Attorney-General, to say the least, in describing the use of a fake ID to buy alcohol

as relatively minor offending behaviour. We know the community has a serious problem with binge drinking and excessive consumption of alcohol by under-age people. That choice of words by the Attorney-General sends entirely the wrong signal to the community. It almost implies a form of condoning or toleration of that sort of behaviour on the part of the government.

The Attorney-General's reference also points to a further difficulty with the bill. That is that all of these new offences only occur when the various matters that are covered by them are done with the intent to commit an indictable offence. Making, using or supplying identification information has to occur with the intent to commit an indictable offence to constitute an offence itself, and likewise with the possession of identification information or possessing equipment capable of making identification documentation. Some sort of nexus to a further crime is needed to characterise the offence, because otherwise completely innocent activity would constitute an offence — for example, possession of a colour photocopier would be possessing equipment capable of making identification documentation, or holding someone else's identification information in safe custody would also constitute an offence.

However, to convict someone of these new offences, the prosecutors will need to show an intent to commit an indictable offence. Through his reference to other possible uses of fake ID which do not constitute an indictable offence, even though they are criminal, the Attorney-General flags that the prosecution is going to have some difficulty. In other words, if they catch a person holding identification information or equipment in suspicious circumstances, the accused person can say that they are possessing that information for the purpose of some offence which is not an indictable offence. If that is the case then they will not be able to be convicted under this bill, so it is going to make it harder for the prosecution to make the case.

The point also needs to be made that these offences sit alongside other existing potential offences of attempts to commit an identity crime. These new offences are intended to primarily cover circumstances where the offender is not actually in the course of trying to commit a particular offence but rather is undertaking preparatory acts for offences generally. You would not then be able necessarily to convict them for an attempt at committing an offence, but you could convict them for one of these new offences.

However, you could also charge an offender both with an attempt to commit an offence and with one of these new offences, if you thought they were in the act of embarking on trying to commit a specific offence. In

that situation there is a question as to whether or not a jury can convict someone of one of these new offences as an alternative finding to convicting someone of an attempt to commit another offence. The bill makes provision for some alternative verdicts, but it does not make provision for an alternative verdict in the circumstances I have mentioned.

Finally on the bill, I want to talk about the statement of compatibility provided by the Attorney-General under the Charter of Human Rights and Responsibilities Act. In that statement of compatibility the Attorney-General addresses the question of whether or not the bill affects the human right of freedom of expression. The bill goes to extraordinary lengths to demonstrate that making it a criminal offence to set out to commit an identity crime does not violate the accused person's freedom of expression. The statement of compatibility says:

The provisions target the creation, capture, use or transfer of information that can be used by a person to pretend to be, or to pass themselves off as, another person. Such information includes name, address, date and place of birth, biometric data, digital signatures, financial account numbers, user names and passwords. The new offences raise and limit the right to freedom of expression as they criminalise seeking, receiving and imparting this type of information. However, this right may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, protect national security, public order et cetera.

The Attorney-General says he is restricting the right of freedom of expression by the creation of these offences, and he is therefore only allowed to do it because he can demonstrate that these are lawful restrictions which are reasonably necessary. I would have thought the average citizen of Victoria would have thought it beyond doubt that it was appropriate to create criminal offences of misusing information for the purpose of defrauding another citizen.

I think it is fair to say the convoluted efforts the Attorney-General has had to go to to demonstrate that even though he infringes the offender's human rights, the infringement is justifiable, is another illustration of how the government is tying both itself and the rest of the community up in knots through the badly worded structure of the Charter of Human Rights and Responsibilities Act. It is no wonder Victoria Police were worried about whether or not a crackdown on bikies would infringe the charter when people are forced to go through these hoops in order to justify perfectly straightforward legislation against a criminal offence.

In conclusion, the provisions in this bill may be of some assistance in law enforcement in dealing with some people who are caught possessing identification

information with nefarious intent, or creating such information with that intent, or possessing equipment to make documentation with that intent. We hope the legislation will form a useful part of the arsenal used against identity crime, although it does have the flaws to which I referred earlier.

More importantly, a lot more needs to be done to help victims of identity crime repair the damage they have suffered. The certificate regime in this bill is likely to be near useless to many victims. I commend to the government consideration of putting in place mechanisms whereby the police or other authorities can issue a certificate to victims far closer to the time of commission of the offence. Victims can then put it to real and immediate use in trying to restore their situation from the loss they have suffered.

Mr LUPTON (Pahran) — I am pleased to make some comments today in support of the Crimes Amendment (Identity Crime) Bill 2009. I think it is important for us to recognise that in recent times in particular the nature of criminal activity has been one of great transformation. Our criminal justice system, the laws that we enact through our parliaments and the approaches that are taken to deal with these sorts of issues by our law enforcement agencies need to be adaptive and responsive, and they need to take into account that extraordinary breadth of technology and resources that those in our community with criminal intent have at their disposal to, in one way or another, victimise people in the community going about their lawful business. Identity crime is probably one of those more recently emerging issues with which the government and our law enforcement agencies need to deal.

Part of the reason why this sort of matter has become more of an issue in recent years is that we have a broad array of types of identification available to people today that are used in all sorts of different transactions to prove identity, to carry out financial transactions or to obtain services in all of the activities of ordinary daily life. Whether it be obtaining details of someone's drivers licence, obtaining birth or residence information or obtaining information from bank accounts or credit cards — all of these sorts of things give rise to the potential for unlawful activity to be carried out and for people to suffer significant consequences as a result.

When somebody's identity is stolen, their banking details can be accessed and their accounts can be emptied, and services and goods can be obtained by the criminal person responsible and charged to the innocent party. A whole array of criminal activities can be carried out, and ultimately authorities may wrongly

believe they were carried out by the innocent party whose identity has been stolen by someone who was able to access all of the identity information of that innocent person.

Clearly, because of the nature of the society we live in, the number of electronic transactions that take place and all the other activities of modern life, this is a significant issue, and it is appropriate that the government and the Parliament move to deal with it in a variety of ways. One of the ways in which we are continuing to respond to these unfolding issues is by the introduction of the measures in the Crimes Amendment (Identity Crime) Bill.

This bill provides for a broad definition of identification documentation and identification information, and it creates the new offence of making, using or supplying identification information. It also provides for a subsidiary offence of possessing the equipment for use in certain identity information processes. It also allows, in appropriate circumstances, a person who is a victim of identity crime to receive a certificate so that they are able to rectify financial and other credit-related information which may have been inappropriately altered as a result of the identity crime offences that have been committed.

We have in this amending legislation a suite of measures which are designed to create specific offences to deal with the emergence of the type of identity information crimes that have been occurring in the community in recent times and also to provide for ways in which people who are the victims of such criminal activity can have their records appropriately rectified so that any inappropriate information that is recorded about them can be removed.

These things are particularly important in a modern society where credit ratings, which determine a person's ability to obtain a credit card or enter into various other types of financial instruments, are very much a central and important part of how everybody goes about their daily business transactions. If somebody's identity has been misused, they may go down to the bank and apply for a credit card, a housing loan or some other such thing and be told by the financial institution, 'We're sorry, but you're not the sort of person we want to lend money to. You got a loan with another bank a little while ago, and you absconded and didn't pay the money back'.

These are the kinds of things we want to prevent happening to people as far as possible, so of course we need to have a system in place where offences exist with appropriate definitions to make sure that

appropriate charges can be brought against people who have committed these types of offences. We need these specific offences in the law so that there is knowledge out there in the community that laws exist to deal with these types of offences. If there were no specific laws dealing with offences such as identity theft, then it would be very difficult for us to get that message out to the community that these offences are significant and that they will be dealt with in an appropriate fashion.

We have to have these laws in place, and we have to make sure that the definitions are specific so we can highlight them to the community to ensure a degree of understanding about how important these offences are. Of course they are also important from a deterrence point of view. We need to make sure that anyone out there in the community who is contemplating carrying out identity crime understands that there are specific identity crime offences, that they are regarded as serious offences by the Parliament and the courts, that there is an emphasis on these offences and that the authorities are putting the resources in place to make sure that these offences, if they occur, are prosecuted vigorously. It is through that sort of process that we will deter as much as we possibly can the commission of these sorts of crimes as well as ensure that the right type of offences are listed in the Crimes Act so that people who commit these crimes can be effectively prosecuted and sentenced.

As a third element of this amending legislation it is vitally important that we give anyone who becomes a victim of identity crime the opportunity to have their records corrected so that, notwithstanding the fact that somebody has successfully obtained their identity information and committed offences with it, they do not suffer individually in the future as a consequence of those criminal acts.

Once somebody has been convicted of an identity crime offence under this amending legislation, any victim of that crime will be able to obtain a certificate from the court which will enable them to have their records rectified in relation to all of those matters. That is an appropriate thing for us to be doing, and I commend this legislation to the house.

Debate adjourned on motion of Dr SYKES (Benalla).

Debate adjourned until later this day.

PLANNING LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 2 April; motion of Mr BATCHELOR (Minister for Community Development).

Mr CLARK (Box Hill) — The Planning Legislation Amendment Bill has five main purposes. It makes amendments to the Planning and Environment Act 1987 so that any area of Victoria may be deemed to be a growth area, it creates a regime for the establishment and operation of new development assessment committees (DACs), it increases penalties in the Heritage Act 1995, it amends the Melbourne Convention and Exhibition Trust Act 1996 to remove the limitation requiring that the trust only operate within the city of Port Phillip and the city of Melbourne, and it amends the Docklands Act 1991 to allow VicUrban to continue its involvement in projects in the Docklands development beyond 31 December 2005. The last of these purposes is effectively a tidy-up amendment, because VicUrban is already continuing its involvement in such projects.

I would be interested to hear the government's reasons for removing the limitations on the Melbourne Convention and Exhibition Trust so it can operate beyond the city of Port Phillip and the city of Melbourne. The increased penalties in the Heritage Act continue policy initiatives started in previous legislation.

The two main provisions of the bill are the first ones I referred to. The bill proposes to give the Governor in Council the power to declare as a growth area any part of Victoria that the Governor in Council sees fit, and the bill contains extensive mechanisms for the constitution and operation of development assessment committees. The government has announced that the initial development assessment committee areas will be the activity areas of Camberwell, Doncaster, Geelong, Preston and Coburg, but they can go much further than that. They can basically be extended as the government sees fit.

Once created, the new DACs will act in lieu of the responsible authority for all developments within their deemed operational areas, as determined by the ministerial order. The order will specify the class of development to which it applies and the areas it covers. Each DAC will consist of five members. Three, including the chair, will be appointed by the Minister for Planning, and two will be nominated by the relevant

municipal council from a group of five persons who are councillors or members of staff of that council.

There are provisions in the bill relating to the disclosure of membership of the DAC, provisions relating to conflicts of interest and disclosure of those conflicts, and provisions empowering removal of DAC members in certain circumstances. The bill specifies that the DAC will have the powers of the responsible authority in relation to the matters it considers. The decisions it makes will be treated as the decisions of the responsible authority. The relevant municipal council is required to provide documents, information and assistance to the DAC and to reimburse all reasonable costs and expenses incurred by a DAC other than the remuneration of the three members nominated by the minister. Once a decision is made by the DAC, it is treated as if it were effectively the decision of the council itself. For example, it is liable to be appealed at the Victorian Civil and Administrative Tribunal (VCAT). This is the scheme of the bill. In putting forward the bill the government has said it is partnering with local government in seeking to improve the operation of the planning system.

I have to say that I have been struggling to think of an initiative announced in the planning sphere, or indeed in any other sphere of government, that is as stupid as the provision contained in this bill in terms of achieving the objectives for which it is said to be put forward. There has certainly been other legislation that has been more damaging to the community than this, but in terms of its sheer illogicality, this bill is hard to beat.

The argument in favour of this legislation effectively says — and perhaps I will put some words in the government's mouth — the current planning system is not working properly. There are long delays and interminable arguments. The government may claim councils cannot make timely decisions and that this is inhibiting the capacity to get on with developments and create jobs and prosperity for the state. Taking that argument as a given, this bill does absolutely nothing effective to overcome the bulk of the problems that exist in the system on that account. It simply creates a new decision-making body, the DAC, to make a decision in lieu of the councillors of the municipality sitting around the table in the council chamber.

Every other element of the process remains as it is. Problems with the adequacy of zoning, planning scheme definitions, flawed criteria for deciding about the issue of planning permits and local government planning departments that are short staffed or where staff are slow, lacking in ability, pedantic or unaccountable — or any of the other accusations that

are made from time to time — continue. Exactly the same group of council officers will be servicing the DAC as are currently servicing the councillors.

Beyond the point of a decision being made, if people object to a decision, they can appeal to VCAT against the decision of the DAC, just as they can appeal to VCAT against the decision of the council. The potential for this measure to overcome perceived problems in the planning system is extraordinarily limited. Those who hold out hope that once the DAC makes a decision the development can proceed ignore the fact that if there is strong resident opposition to a proposed planning initiative, that decision can go off to VCAT just as it can in the case of a council decision. If we assume the council would have rejected an application and the DAC would approve it, nonetheless the residents who were opposed to that application could still take it to VCAT. Any potential improvement to remedy the current problems of the planning system is extraordinarily limited. I fear those who were hoping to get great benefit out of this scheme, if it is enacted and implemented, will be sorely disappointed.

But that is only half of the problem with this bill. The even greater half of the problem is the extraordinary price at which it comes in terms of intrusion on local communities, the diminution of the capacity of local communities to have a say in their own destiny, and the undermining of the role of local government councillors. The government appears to be treating local government councillors with disdain and disregard. The government has the nerve to call this bill a partnership with local government, whereas in fact it will take away the existing responsibilities of local government to make decisions on planning permits and offers councils only two places out of five at the table of development assessment committees. The government is doing that on an extraordinarily limited and constrained basis.

To start off with, because councillors will have only two places out of five they will always be at risk of being outvoted. The second-reading speech claims that there is going to be an independent chair, but when members look at the bill they will see there is nothing of the sort — the chair is to be appointed by the minister as are the two other non-council nominees.

The local community representatives can be either councillors or members of staff. I think it will be highly likely that councillors will find it virtually impossible to become involved with a DAC. If they do, they are certainly going to be under extraordinary constraints. There are confidentiality provisions governing members of DACs. The councillors who take part in

them are almost certainly frequently, if not always, going to find themselves outvoted. They are then likely going to come under attack from the local community. They will be trying to defend themselves with one arm tied behind their backs, because they will not be able to cite confidential information in their defence. They will be in a no-win situation.

If this scheme ends up being enacted, I would not be at all surprised if councillors say, 'We are not going to take part in this at all. We are not going to be tarred with this brush. We'll send some council officers along to make the decisions'. Councillors are effectively being squeezed out of the process altogether.

A further concerning aspect is that the DACs are not only being created in defined areas where the government has demonstrated there is some overriding public policy reason as to why in particular cases and in particularly sensitive or important parts of Victoria a DAC should be established. The DACs can be set up anywhere the government chooses. It reminds me of Churchill's metaphor of people hoping the crocodile will eat them last while the crocodile goes around gobbling up one at a time. The Brumby government crocodile has designated a handful of local communities to gobble up in the first instance, and it will soon be chomping its way further through other communities.

It will not only do so in activity centres. The government has talked about its policy of imposing high density development along tram corridors. If the government runs into local community opposition to that proposal, next we will find that it has constituted a DAC to take responsibility, for example, for the entire strip of properties along the tram 109 route. Thus that entire strip, running from the city of Yarra through Boroondara to Box Hill, could also be pulled out of the hands of the local community.

The government is seeking an extraordinarily broad grant of discretionary power from this Parliament. Exactly the same point applies in relation to the power it seeks through this bill to designate growth areas. It is not as if, for example, the government has a schedule in the bill and is seeking to designate areas in the schedule as growth areas; it wants the power to declare any part of the state to be a growth area. It could designate 1 hectare in Mildura, 100 hectares in Sale or a former commercial site in Camberwell to be a growth area, and all the rules relating to growth areas would then apply.

What would also apply is the obligation on people who develop land in any of those areas to pay the growth areas infrastructure contribution. This is a new burden

on the people — a new tax being introduced for the first time in Victoria in 2009–10.

The government has claimed that there are going to be no new taxes, but if one looks at the budget papers made available to the house earlier today, one sees that for the first time in 2009–10 something in the order of \$84.7 million is going to be collected from growth areas. The budget papers are a bit confusing as to exactly what this is going to consist of, and there is an inconsistency between budget paper 4 and budget paper 3.

Budget paper 4 talks simply about a growth areas infrastructure contribution, estimated to be \$85 million in 2009–10 — it explains that land brought into an urban growth boundary in future will be liable to a levy of \$95 000 per hectare. In budget paper 3, under 'Revenue initiatives', at page 369, this figure is split into two figures, which designate a growth areas development fund and a growth areas infrastructure contribution, one of \$42.3 million and the other of \$42.4 million. This seems, although the budget papers do not make this clear, to reflect the fact that some of the money in the growth areas infrastructure contribution will in turn be assigned to a growth areas development fund — at least that is my assessment. If government members can confirm or vary that, I look forward to hearing what they can tell us.

Be that as it may, this bill will enable the government, without any further recourse to the Parliament, to declare an area to be a growth area. Following on from that will be the liability of citizens to pay this increased levy. I would have thought that was getting pretty close to violating longstanding constitutional principles about the need for taxation or similar imposts to be authorised by Parliament rather than be imposed by the government through open-ended delegated legislation. However, regardless of the constitutional principles, it arms the Brumby government with yet another way of grabbing revenue out of the community without proper debate and without proper authorisation by this Parliament.

This legislation seems to be completely at odds with the promises and claims that the Bracks and Brumby governments have made and the Labor Party made when in opposition about planning and their support for local communities. The former planning minister, John Thwaites, made out that he was going to be the champion of local communities and would restore authority, which he claimed had been taken away by the previous government, to local communities. But instead of restoring authority or allowing local communities to have a legitimate say, the government

is taking that 'say' away from local communities at just about every step of the way. The bill before the house is a particularly gross example of that.

As I said, this bill is not going to be of any significant benefit in creating jobs and speeding up the development process. It operates at only that one particular point in the continuum at which an initial decision is made by a responsible authority. It also may well not be of much help to small and medium-sized developers if the government is going to exercise its power primarily at the instigation of larger developers who come to it and persuade it to act in any particular case.

The fundamental opposition to this is twofold. On the one hand it does nothing to fix the serious problems which the Bracks and Brumby governments have allowed to evolve and fester within our planning system. It does nothing to overcome unreasonable delays; it does nothing to provide certainty to residents or those seeking to develop properties. It puts one more complicating element, in particular instances, on an existing convoluted structure that is not working properly.

Yet on the other hand it dramatically derogates from any potential for local communities to have a say through their local representatives. It is treating local government and local councillors with contempt, asking them to be part of a process through a DAC in which they have only two votes out of five — three votes are appointed by the minister against them — and to try to defend their position with one arm tied behind their backs.

The bill, whichever way you look at it, is badly flawed. It attacks principles of democracy, of devolution and decentralisation. It attacks principles of accountability to Parliament by government for revenue raising. It is bad in all of those respects, and it is opposed by the coalition.

Ms D'AMBROSIO (Mill Park) — I am pleased to support the Planning Legislation Amendment Bill, which amends the Planning and Environment Act. It makes a number of amendments that are not necessarily interrelated, but which certainly help to streamline and reflect the government's modernisation of our planning processes here in Victoria.

In the first instance it introduces the concept of development assessment committees. The development assessment committees will be charged to make decisions on certain categories of planning permit applications. It also sets out conflict-of-interest

provisions that will govern the conduct of members of development assessment committees.

The framework for development assessment committees will provide a creative partnership approach between local and state governments on key planning matters of wider regional significance. They are key words we need to consider. It is about collaboration and partnership with broader significance beyond simply one small locality. It is about having a joint approach on matters of common or shared interest on a broader regional landscape, where several policy imperatives could intersect.

Councils will remain the responsible authority for processing planning applications. However, on specific applications development assessment committees can convene and make decisions. Appeal rights of third parties will be maintained, whether or not a development assessment committee is activated, and that is very important for us to underscore in this debate. Likewise, call-in powers provided for under the act will not be affected.

Membership of a development assessment committee will be determined in accordance with existing government guidelines which currently apply to appointments to government boards and committees. The probity checks, of course, that are provided for under that regime will ensure that a member of a development assessment committee must meet appropriate levels of probity and integrity, including within their professional, personal and commercial context.

The bill will also extend growth areas. There is an amendment to provide for a more flexible way of declaring a growth area for any part of the state and notwithstanding the existing confines of a growth area council. This would mean also that the growth area authority could be authorised to operate in a declared area of Victoria. The shire of Mitchell is one example in point, as it would be declared a new growth area and would allow for a possible extension of the urban growth boundary into that municipality. This is squarely a response to the government's projection of population growth, which we have identified in *Melbourne 2030 — A Planning Update — Melbourne @ 5 Million*. The bill also amends the Docklands Act — a very perfunctory amendment repealing a date that is no longer required.

Moving on, there is a further amendment affecting the Heritage Act to increase penalty units for an infringement offence from the existing limit of 4 to up to 10 penalty units. That will give greater effect to the

application of penalty offence notices and hopefully give an impetus to avoidance and curtailing adverse behaviour. There is also an amendment to the Melbourne Convention and Exhibition Trust Act which will seek to broaden the operating landscape within which the trust can function in Victoria. It will also include the concept of entertainment as one of several functions given to the trust.

I have basically described the broad objectives of the bill, but I want to spend a little time elaborating on the development assessment committees component of the bill. The government has key policy drivers in bringing forward this amendment to the house. It is about quality planning decisions which take into account state and local government planning policies.

When we talk about state or local government planning policies it is important to remember how they intersect with other policy imperatives or policy prescriptions that are made by state and local governments. Those things cannot operate in isolation. At times when they intersect on specific planning applications, the development assessment committees may need to be activated to achieve shared objectives across an array of policy imperatives of state and local government. That is the important context within which we need to have this debate today — shared planning imperatives between two levels of government which have implications beyond a purely localised environment or community. Let us keep that suspended as a concept and a construct.

This new instrument before us of assessing specific planning applications through these committees has been generally well received by local government. We need to keep squarely at the forefront of our debate here the planning policies of local and state governments as they intersect with issues of affordable housing and as they intersect with jobs policies or planning for the longer term.

I wish to recount the policy of my own local municipality, the City of Whittlesea, which has a longstanding policy of tying job creation and job places with the numbers of new residents moving into the municipality. This is an important and longstanding policy of the City of Whittlesea, which, as members know, is in one of the five growth corridors of outer metropolitan Melbourne. It is a commendable approach, and it is one the city has had for a long time. It is about understanding the relationship between planning permits, population growth and jobs within a local setting. It is a sensible and salutary policy intersection that acknowledges housing and population policy complemented with solid jobs policy.

We need to avoid the problems of social and economic disadvantage that often result from high concentrations of unemployment, including insecure housing and the problems of continuing access to education for children and young people which often arise from high concentrations of unemployment. They are the policy settings in which we need to have this debate. I must, therefore, comment on the opposition's views on planning, housing and jobs. If we listen to the Leader of the Opposition, who opposes development assessment committees, we need to ask what will take their place. There is a lack of understanding of that intersection of housing, jobs and planning policies.

In the absence of those policies from the Leader of the Opposition we have instead a recipe for discord within the community rather than having collaborative partnerships to resolve and grow the very important policy imperatives of housing, jobs, planning and population. The impact that has on social and economic disadvantage has been missed by the Leader of the Opposition.

That is what we need to think about when we talk about infrastructure investment and the key decisions the government has made to move on key planning projects decided on in the last couple of weeks. We need to think about how they relate to job creation and economic stimulus in this time of global financial despair. We should be looking at them in terms of how they impact on our community at a local level, not only in regional areas but across the state.

I say to members of the opposition: let us have this debate in a fair and full framework of what is good for our community on the various levels where housing, jobs, education and planning policies intersect. When it comes to specific projects that need, and can do well as a result of, a collaborative and partnership approach between local and state governments to achieve their planning objectives, that is what we should do.

**Debate adjourned on motion of
Ms WOOLDRIDGE (Doncaster).**

Debate adjourned until later this day.

ROAD LEGISLATION AMENDMENT BILL

Second reading

**Debate resumed from 2 April; motion of
Mr PALLAS (Minister for Roads and Ports).**

Mr MULDER (Polwarth) — The Road Legislation Amendment Bill is an omnibus bill which covers

extensive road and road safety-related matters. As I mentioned to some of my colleagues, if any member wishes to speak on a bill, this one has something for everybody; its provisions are quite extraordinary.

One of the provisions that I want to raise initially relates to clause 9, which inserts new section 50AAK. This new section provides that it is an offence for a person to assist with the contravention of an alcohol interlock condition. It states:

- (1) A person must not, without reasonable excuse, by-pass or disengage an approved alcohol interlock installed in a motor vehicle being, or to be, driven by another person (a relevant person) if the relevant person's driver licence or permit is subject to an alcohol interlock condition.

It goes on further to say:

- (2) A person does not commit an offence under subsection (1) if the person in the course of servicing or repairing the vehicle in which the interlock is installed —
 - (a) for the purpose of so servicing or repairing the vehicle, by-passes or disengages the alcohol interlock in accordance with the supplier's instructions ...

I had a look at page 148 of the principal act, and that refers to 'persons trained, authorised persons servicing, installing alcohol interlocks' and stipulates that they must be approved. The act contains an extensive range of provisions that apply to the approval process.

This section of the act talks about a servicing agent or a repair person dealing with a motor vehicle carrying out repairs or servicing of the vehicle and in doing so disengaging the alcohol interlock device. This appears to be somewhat of a loophole, and I would have thought that under the provisions in this act no-one who is not a registered service provider should be allowed to touch or interfere with an alcohol interlock.

It could well be that a person who is obliged to use an alcohol interlock goes to a backyard mechanic, a friend or someone who is a bit of a do-it-yourself repairer, and says, 'Could you carry out some repairs? It does not matter if you disengage the alcohol interlock'. I wonder whether or not some conditions should be placed on the service provider to ensure that when any work is undertaken on the vehicle, that person knows and understands that they are not under any circumstances to disengage that device.

A constituent came to see me about one of these devices and said, 'I want to know if there is something I can do about having it removed'. He explained that he had committed several drink-driving offences. I asked

him what the circumstances were under which he believed the device should be removed; he said, 'I have a new girlfriend and I find it embarrassing having to blow in this thing and make this very strange noise'. I said, 'You should understand the reason. It is meant to be embarrassing because of the behaviour you have engaged in — driving when you have been drinking — and you should not do it'. Under no circumstances would I represent him in having his alcohol interlock disengaged.

These devices serve a genuine purpose within the community in trying to ensure that people who commit such offences time and again learn a very valuable lesson, but I am concerned that it appears someone can disengage this device and not be subject to any form of penalty. It appears to me that that is what this provision is saying, and if that is the case, I am concerned and I think this needs to be looked at.

Clause 10 is headed 'Immediate suspension of driver licence or permit'. Section 51 deals with a driver who has registered 0.15 grams of alcohol in their system. This clause reduces to 0.10 grams the amount which leads to an immediate suspension of a driver licence or permit. The opposition certainly supports this provision.

I refer to an article on page 5 of the *Herald Sun* of 21 April 2009 which points out:

The rate of drink drivers caught by booze buses has soared to its highest level since the vans were introduced almost two decades ago.

It states also:

One in every 220 drivers stopped by booze buses last year was over the legal blood alcohol limit — more than triple the strike rate of 14 years earlier.

The government continues to claim that it is doing all in its power and it is on top of the issues in relation to drink driving, but certainly when you look at these types of figures you would have to acknowledge the fact that the government has failed dismally.

There is no doubt in my mind, as a very regular user of the roads in both metropolitan Melbourne and country Victoria, that the number of times I have been pulled over for a random breath test has declined in recent years. There is absolutely no doubt that the police are just not out there on the road. You just do not get breath-tested like you used to. I know in the region I live in it would not have been uncommon to get pulled up twice in a month. If someone asked me now when was the last time I was breath-tested, I would have to think back to months and months ago. When you look at these figures of the number of drivers who have been

pulled over, tested and found to have exceeded the limit in terms of driving with alcohol in their system, it is a real concern. This problem has got away from the government, and it is getting worse. Something really needs to be done about that.

Another article, in the *Knox Leader* of 21 April, reports that police caught 22 drink drivers in Knox in the period from Maundy Thursday to Easter Monday. The area was second only to Port Phillip, where 34 drink drivers were nabbed. You would think people would have got the message by now that this is completely and totally unacceptable. It is not only that the people involved in the actual drink-driving activities can lose their licence and cause great disruption and embarrassment to their family but the fact that they could kill somebody. They still seem to do it and think they can get away with it. When you look at those figures, they obviously are getting away with it.

I go now to clause 16, which inserts — —

Mr Trezise interjected.

Mr MULDER — The member for Geelong says it is the opposite. It is not, because the article says it is worse. It is a lot worse than it was when the breathalysing program started. Therefore, the government is not getting on top of the issue. It needs to get on top of the issue because it is a serious one. I am sure the member for Geelong, having been involved in the Road Safety Committee, would understand that.

Clause 16 inserts section 61A, headed 'Duty of driver etc. of vehicle that is not a motor vehicle if accident occurs'. This picks up cyclists in relation to careless or dangerous driving and failure to stop and render assistance after an accident. We have had a number of very serious accidents involving cyclists and pedestrians. A report in the *Herald Sun* of 26 July 2007 states:

The state coroner has damned the 'high-risk' group behaviour of cyclists after the death of an elderly pedestrian struck during the notorious 'Hell Ride'.

Graeme Johnstone said the weekly Hell Ride, involving hundreds of cyclists travelling at up to 50 kilometres an hour along Beach Road, was not suitable for suburban streets.

He found a failure by the cyclists to appoint effective leaders and manage safe behaviour had cost James Gould his life.

This issue has been brewing for some time in terms of a growth in cycling. I think it is fantastic to see the number of people who are out riding their bikes to and from work and also as a leisure activity on the weekend. It is great to see fathers, mothers and children all out riding. It is a very healthy activity. There has

been significant investment in bike paths. I support that as well. I think it has been a good initiative that the government has embarked on. We need to encourage people to pedal it as often as they possibly can rather than drive.

I note clause 16 refers to the scene of an accident. New section 61A(1)(c) provides that a cyclist:

must at the scene of the accident as soon as possible give his or her name and address and also the name and address of the owner of the vehicle and the identifying number of the vehicle (if any) ...

On this issue of identifying bike riders and bikes, I know there has been discussion in relation to whether there should be registration of bicycles. I would hate to see that. I think it would be a backward step and impose a significant cost on families, particularly large families where there are little children riding bicycles. The government would have to go down the pathway of establishing another VicRoads — or 'BikeRoads' or whatever else the government may call the bureaucracy it would set up — to monitor and control the registration of bicycles. I think that is not necessary. It would deter people from riding bikes. It would put an unnecessary level of bureaucracy in place. Could you imagine five or six floors of an office tower in Collins Street with people running around trying to trace the registration, disposal and transfer of bicycles? I think it would be a disaster for the state. It reeks of nanny state behaviour. I certainly agree with Harry Barber, who thinks that would not be in the best interests of cyclists.

Under a program that was very prominent a number of years ago, people who had purchased a bicycle could go to the local police station and have it engraved. The bike was given the next number on the sheet. It was a simple process of recording the name and address of the owner of that bicycle in case that bicycle was lost. There is a system in place at the moment for identification of bicycles. I understand it is no longer promoted by the government. Government members are out there promoting their \$38 billion transport plan. I just wonder whether in terms of this particular legislation it would assist to expand that program that already exists, so that people could take their bike to the local police station and have it engraved, so that there is an identification method as we move forward. It is certainly worth considering, given this whole issue of identifying the vehicle and the person riding that particular vehicle and bringing them in line with some sort of identification process.

I walk a lot in the morning. I go up around the North Carlton area to the top of Rathdowne Street, then come back down Nicholson Street, which is a very interesting

street in that the footpath is a shared pedestrian and bicycle path. I am concerned that one day there will be a serious collision between a cyclist and a pedestrian in Nicholson Street, because there is nothing to separate pedestrians and cyclists on the footpath.

Cyclists come quickly riding up behind you and do not ring their bells. On the day before yesterday I was just opposite the emergency entrance of St Vincent's Hospital when an elderly lady was walking in the opposite direction. We were both passed by a bike. She looked at me and said, 'Isn't it frightening? They are going to hit somebody'. I say to the minister that that section of footpath, which, as I said earlier, is a shared pedestrian and cycling path, should be revamped as a matter of urgency. I do not want to put the dampener on cyclists; there may be some method of diverting them into the gardens there. A lot of people walk to work, and there seems to be an increasing number of people out and about these days, including a lot of elderly people from the area.

Clause 23 states:

After section 73 of the Principal Act insert —

"73A Offence to obstruct etc person operating road safety camera or speed detector

A person must not obstruct, hinder, threaten, abuse or intimidate a person who is operating a road safety camera or a speed detector.

It is interesting to see this provision being debated in the house today when the government has just announced a 10 per cent increase in speeding fines; I suggest this increase runs in parallel with the budget papers.

The budget papers talk about getting stuck into motorists and using speed camera detection as a means of topping up the financial position of the state. If the government was on the right track and was handling speed detection devices in the appropriate manner, you would have thought the community would support it, but the fact is that this announcement in the budget papers runs in parallel with this bill and says that the government considers the people who are going to carry out policing will be subject to being hindered, threatened or abused. It may well get to the point of physical abuse as well.

It does not say an awful lot about the confidence the government has in its speed camera regime or indeed in the image of the operation of speed cameras in Victoria. We do not have to go back too far to see the problems the government has created for itself in the operation of the speed camera network. There has been problem

after problem, money has had to be handed back and errors are continually being made. The government has totally lost the confidence of the Victorian public in what should be regarded as an effective traffic safety device.

Clause 24 is headed:

Offence to sell, use or possess anti-speed measuring devices

It states:

“(1) A person must not own, sell, use or possess a device the sole or principal purpose of which is —

- (a) to prevent the effective use of a prescribed road safety camera or a prescribed speed detector; or
- (b) to detect when a prescribed speed detector is being used.

I am in possession of a device that detects fixed speed cameras. It is my Navman, and I think it is possibly one of the best road safety devices that you could possibly have fixed to a vehicle. It makes you a more comfortable and confident driver. It gives you direction in terms of what is happening in front of you. It is particularly good for people from the country who come to the city, because it takes you straight to the front door. I think it is a fantastic device. Over recent years they have improved these devices immensely. My device, and I recently received an upgrade, came with a function that makes a beeping sound when you approach a — —

Ms Allan interjected.

Mr MULDER — I would love one!

Ms Allan interjected.

Mr MULDER — It is called patience!

The ACTING SPEAKER (Mr K. Smith) —
Order! On the bill.

Mr MULDER — Thank you for your protection, Acting Speaker. The device beeps when you come to a fixed speed camera location, and it points out what your speed should be at that location. It does not interfere with or detect a radar beam from a mobile speed camera. When I get the next upgrade to my Navman — and the Navman is not provided with the sole or principal purpose of detecting speed camera devices, whether they be fixed or mobile; it is a navigation instrument — I wonder if it will get around this provision because at present it enables you to detect and to monitor your behaviour around speed cameras.

My view has always been that you should provide as much information as possible to motorists in terms of their location and the speed at which they should be travelling. We should relay as much of that information as possible. I do not have a problem with people knowing the location of mobile and fixed speed cameras because they are supposed to be in locations that are dangerous and where there are lots of accidents.

The idea is to slow down motorists. It means they know those activities are taking place in terms of detection, and they should be able to get that information and slow down as a result. In terms of the issue of the sole and principal purpose, at this point you can still use those devices without any concerns, but we may have to look at the issue again in the future.

Clause 35 is headed ‘Impoundment or immobilisation order’ and is a result of the hoon legislation and the surrendering of motor vehicles. At the briefing on the bill I asked questions about the recovery of impounded vehicles. I asked how many vehicles are not recovered, because the bill deals with the disposal of vehicles, should someone fail to appear when a vehicle’s period of impoundment is complete and it needs to be collected or disposed of. I have been told by the Department of Justice that as of 16 April, eight vehicles had not been recovered by their owners. These vehicles should then be disposed of in the appropriate manner by the department.

The second-reading speech refers to the vehicle impoundment regime being subject to minor operational issues. I asked what the ‘minor operational issues’ were that had caused problems. I was told they were the failure to surrender a vehicle when either the police had served a notice to surrender or a court had ordered that a vehicle be surrendered, and storing impounded vehicles that have not been recovered by their owners.

In relation to the first issue, Victoria Police has advised that 74 vehicles have not been surrendered since the commencement of the vehicle impoundment regime on 1 July 2006. As at the end of March 2009, 7299 vehicles had been impounded under the regime. Clauses 34, 35 and 36 introduce an offence for failing to surrender a vehicle.

When you first hear that figure you think, ‘Seventy-four vehicles is a hell of a lot of people who have failed to surrender their vehicles’, but when you line it up against the 7299 vehicles, it goes to show that the legislation is working, and I think it has been a good result. I hope that young people in particular, who have their vehicles taken off them as a result of inappropriate

behaviour on the road and putting other people's lives at risk, learn a very valuable lesson from having to walk or ride, whatever the case may be, until their vehicles are returned to them.

Clause 41 deals with the service of parking infringement notices. Proposed section 87(1A) in clause 41(1) states:

- (1A) Without limiting subsection (1), an authorised person for a municipal council or a relevant public authority may serve or cause to be served, in accordance with the regulations, a parking infringement notice if the authorised person has reason to believe —

...

- (b) in the case of an authorised person for a relevant public authority, that a parking infringement has been committed in respect of a vehicle on a relevant place in relation to the relevant public authority.”.

Proposed section 87(4) in clause 41(8) states:

- (b) a relevant public authority may, with the approval of the Minister —

fix a penalty for a parking infringement in contravention of a regulation under this Act ...

We understand that councils have a significant role in relation to parking infringement notices. However, in relation to new section 87(1A)(b) we raised the issue of what is a relevant authority and which body would want to take on this responsibility. It was put to us that it could be a committee of management for a sporting venue, a hospital or one of a whole range of other authorities. This has a whiff of the government saying, ‘We will struggle to provide funding for councils and committees of management which look after sporting facilities for the Crown. We suggest you go down the path of applying for the status of authorised authority and start to issue parking infringement notices’. This could occur at football clubs, netball clubs, baseball clubs or anywhere. Indeed, this could occur at country hospitals. I went to the Monash Medical Centre in Clayton the other day. I come from the bush, and I am not used to paying for parking to visit someone who is sick in hospital. To drive in and drive out, you had to fork out \$7.

Ms Allan interjected.

Mr MULDER — He would, too. He is a good man; it is good to see you looking after him in Bendigo.

I would hate to see this get out of hand — for the people who run these authorities and committees of management to become overbearing when it comes to

collecting a dollar as the government of the day is saying, ‘There is a revenue stream for you — go for it’. It could get a bit untidy.

I turn to an issue that is very dear to my heart. Clause 47 says:

After section 96A of the Principal Act insert —

“96B Minister may issue guidelines about testing of persons under section 27

As I understand it, there are already guidelines about the carrying out of tests, particularly on older drivers. They are carried out by authorised people — occupational therapists and others — and their reports are provided to VicRoads. They are protected under the principal act so that action can be taken against them in relation to what they say in those reports.

I have some real issues in relation to this process. Currently if a younger driver does something silly on the roads, everyone looks at him and says, ‘What a silly young boy! He does not know how to drive; he should improve his driving skills’. However, if an older person does something similar on the roads, the question of whether they should be driving is immediately raised. If a police officer, a doctor, a family member or even a neighbour they have upset lodges a report with VicRoads, the next thing you know that elderly person will get a letter from VicRoads saying they are to sit a test.

To give members an idea of this process, I have two inquiry forms that my electorate office has received from elderly people in my electorate who have been subjected to this regime. They say the way this process works is terribly unfair. They are not concerned about sitting a test at their age; they understand they have an obligation to drive safely on the roads and that if their driving is a concern, they should not be on the road. However, they both raised the same issue.

These inquiry forms, one from Wednesday, 11 January 2006, and the other from Thursday, 24 March 2005, were lodged by two people from different ends of my electorate. Both of these people were elderly: one was 73 and the other was 78. An occupational therapist rang them up and said, ‘I am coming to test you’. Upon their arrival, the elderly people said, ‘Jump in my car’, but the occupational therapist said, ‘We can’t come in your car, you will have to come in my car’. They had around 10 minutes in which to familiarise themselves with a vehicle they had never been in before.

I could not do that; I would be wary about getting in a car I had not driven before. A lot of cars, particularly

European cars, have controls in different spots. The brake and clutch pedal pressures are different, and accelerator pressures are different. Yet I am told that on both occasions these people were given a very short amount of time in which to familiarise themselves with the vehicles. No-one else was allowed in with them other than the occupational therapist. These elderly people had to complete a test in a vehicle they had never been in before.

The first inquiry form, from 24 March 2005, says:

The test is carried out in the testing officer's car, which was foreign to —

the driver.

The second inquiry form, from 11 January 2006, said the driver had:

very little time to get used to the vehicle ...

In both cases it is claimed that the test was unfair. I have raised this issue before, and I believe the Minister for Roads and Ports needs to consider introducing an observation test. If somebody — whether it be a police officer or a relative — believes a person poses a danger on the roads, what is stopping the government from saying, 'We want to observe your driving. We will turn up at such and such a time. We will give you some directions, and you will jump in your car and go for a drive. We will follow you and see what your driving behaviour is like'? If their driving behaviour is right, it is right.

It is discrimination in the worst sense for an older person to be subjected to a process where they have to get into an unfamiliar vehicle with a stranger and have 5 or 10 minutes in which to familiarise themselves with the controls and then be expected to drive the car in the same way as they do their own vehicle. Many of them are totally used to the vehicle they drive, which they may have had for 5, 10 or 15 years. This issue needs to be addressed.

The bill says the minister may issue guidelines about these tests. I challenge the minister to pick this issue up, because it is totally unfair. You have to consider that if a person receives a letter saying, 'You are to hand in your licence tomorrow', they have lost their mobility. This is especially true if, as in many cases, such a person lives in the country. There is no chance of them getting a multipurpose taxi card, and there are limited community bus services available for them. In one of the cases I know of someone having their licence taken from them, the lady had an invalid husband and lived 25 kilometres from the nearest town. We took up her

case and had some success with it, but it should not have gotten to that point. I say to the minister: this is a very important issue, and it needs to be looked at.

I will quickly discuss clause 60, headed 'Obligation in relation to fencing'. This clause deals with the costs of fencing on roads throughout Victoria. The second-reading speech says the state should not be obliged to commit significant amounts of public funds to put fences alongside roads. The people who provided the briefing could not provide an example of where these significant amounts of public funds are being spent at the moment. It smells to me like a cost shift. We have asked questions everywhere we possibly could, but we have not been able to find examples of where the state is spending significant amounts of money.

In his summing up I would like the minister to provide us with some examples, particularly the amount the state has spent on fences alongside roads in the past. I ask the minister to tell us who is going to pick up that cost in the future, because clearly the second-reading speech does not sit well with the briefing we were given. If there is a cost, we have every right to know who is going to wear that cost. Is it a cost shift? Where is it going to be picked up? Is the cost going to be transferred to property owners or will it be picked up by local government? It is important that we get that information. With that closing comment, as I said earlier we do not oppose the bill and wish it a speedy passage.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Road Legislation Amendment Bill 2009. This bill makes a number of amendments to Victoria's road transport legislation. In particular it implements some of the Brumby government's commitments to the Arrive Alive strategy for the next 10 years. The government launched its new road safety strategy, Arrive Alive 2008–17, in February 2008. The aim of this strategy is to reduce deaths and serious injuries by a further 30 per cent by the end of 2017. This bill gives legislative effect to key elements of that strategy.

The first of these amendments relates to drink-driving offences. Members of the house are very aware that drink driving is a major contributor to fatalities and serious injuries on our roads. In fact drink driving contributes to up to 30 per cent of driver and rider deaths on Victoria's roads each year, and it is a higher proportion in country Victoria.

This bill is part of our campaign to reduce the number of deaths from drink driving and it expands the operation of the immediate licence suspension regime

for drink driving. It lowers the threshold for immediate licence suspension for drink-driving offences. Currently if you are a full licence-holder, you have an immediate licence suspension if you have a blood alcohol concentration reading of 0.15 or above. This bill reduces that to 0.10, so we are introducing a tougher measure for mandatory licence suspension. We are also increasing the maximum penalty for a drink-driving offence from 12 penalty units to 20 penalty units under this bill.

We have a proud record of reducing and combating drink driving in this state. I have to say I disagree with the member for Polwarth who suggested that you have less chance now of being picked up by a booze bus than in the past. Quite the opposite is the case: your chances of being picked up by a booze bus now, being breath-tested or tested for blood alcohol concentration is now more significant than it has ever been at any time in the past. It is because of those measures, and the measures that we are introducing in this legislation, that we will see a reduction in drink-driving offences. It comes on top of those measures we introduced for younger drivers in 2007.

Another aspect of this legislation is the introduction of mandatory suspension of licences. On 27 March this year the Victorian Supreme Court held that a person could not have their licence suspended for an excessive speeding offence detected by a road safety camera unless the court was satisfied that the defendant was the actual driver. Subsection (6) of section 28 of the Road Safety Act refers to the question of whether they are the actual driver. The driver in this case was able to escape mandatory suspension simply by saying, 'You have not proved that I was the driver of the vehicle'. That is a ridiculous situation. Where you have someone who is involved in driving at 130 kilometres per hour, or more than 25 kilometres over the speed limit, clearly they are driving in a way that warrants mandatory licence suspension.

At the time the police argued that it was totally inconsistent with the owner-onus legislation which says, in general, that you are deemed to be the driver of that vehicle unless you nominate who was the driver at the time. It is completely inconsistent with all the other things that we have been seeking to do through the Road Safety Act. Given that the Supreme Court found that owner-onus does not apply in these situations because of subsection (6) of section 28 of the Road Safety Act, we are moving to close that loophole to ensure that the principle of owner-onus is not undermined, and that the public is properly protected against those who fail to respect the speed limit.

This bill restores the position that we understood was the case previously, which is that all drivers who commit an excessive speeding offence, including those who are detected by a road safety camera, should be subject to the full range of penalties, including mandatory licence suspension. Whilst a driver may have lost their demerit points and also received a fine, they escaped mandatory licence suspension. But this bill will ensure that they cannot do that in the future.

The bill also introduces increased penalties for drivers of vehicles other than motor vehicles, such as bicycles, who engage in careless or dangerous driving or who fail to stop after an accident. We are all aware of the concern that was generated around the activities of the Hell Ride down Beach Road. It is great that bicyclists are out there together enjoying a ride down Beach Road and enjoying the bay views, but they must comply with the law. We had a situation where a cyclist did not comply with the law. He did not stop at a red light; he went through that red light and killed a pedestrian. The current penalties for careless riding of a bicycle are 6 penalty units and 12 penalty units for a subsequent offence. The penalty for failing to stop is only 3 penalty units. That is not a very significant punishment or deterrent for cyclists who are in breach of the law as that rider was.

Under this legislation the penalties for offences committed in all vehicles other than motor vehicles, such as bicycles, will be half those that apply to motor vehicles. If you take the case of dangerous driving, for example, the penalty for motor vehicles is currently 120 penalty units or 12 months imprisonment. If that cyclist were convicted of dangerous riding today, under this legislation he would pay half that penalty. I think that is a good move. I am sure it is a move that will be supported by all members of the house.

The member for Polwarth raised speed camera detection devices, which are referred to in clause 24. Section 74(1) of the Road Safety Act prohibits a person from owning, selling, using or possessing a device the sole or principal purpose of which is to prevent the effective use of a speed measuring device — a speed camera — or to detect when a prescribed speed measuring device is being used. The member for Polwarth raised concerns about his Navman — his global positioning system (GPS) device. He says it is great driving around with his Navman and being able to know when he is coming up to a fixed speed camera so he can moderate or check his speed. He expressed concern that GPS devices which advise of the location of road safety cameras might be proscribed under this legislation. I can assure the member for Polwarth that that is not going to happen. For a start, all of those fixed

speed camera locations are listed on the Department of Justice website. This is public information. The locations have been published in the *Herald Sun*, and they can be factored into a GPS device.

What we are concerned about are those devices that would prevent or stop the effective use of a road safety camera. For example, there are certain types of numberplates covers that are designed in such a way that the plate is able to be viewed from directly in front or behind the vehicle but becomes virtually invisible when viewed from a horizontal or vertical angle, as is done by a speed camera. That prevents the effective use of the camera in taking a photograph of the numberplate of that vehicle. I am sure all members of this house, and I hope the member for Polwarth, also — —

The ACTING SPEAKER (Mr K. Smith) — Order! The member's time has expired.

Debate adjourned on motion of Mr WELLER (Rodney).

Debate adjourned until later this day.

JUSTICE LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 2 April; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Justice Legislation Amendment Bill is a bill to amend search warrant powers, to lift prohibitions on advertising by interstate wagering service providers and make other changes in relation to wagering, and to repeal the sunset provisions relating to the Children's Koori Court, criminal division. It is an omnibus bill that straddles the two portfolios of Attorney-General and racing. It is worth noting that when the Labor Party was in opposition its members complained vehemently about omnibus bills and vowed that they would not follow that practice, yet we have here a bill that aggregates not only a number of topics within one portfolio but also provisions relating to two separate portfolios.

I will principally deal with this bill on behalf of the coalition parties. If the government allows sufficient time for the debate, I expect my colleague the member for South-West Coast, the shadow Minister for Racing, will make some additional comments in relation to the wagering provisions of the bill. The bill amends a number of acts — namely, the Crimes Act 1958, the

Drugs, Poisons and Controlled Substances Act 1981, the Firearms Act 1996, the Gambling Regulation Act 2003, the Police Integrity Act 2008, the Police Regulation Act 1958, the Prostitution Control Act 1994 and the Surveillance Devices Act 1999. In each case the amendments allow a search warrant to authorise the searching of a specified vehicle in a public place. At present the law allows a vehicle to be searched only if it is located in a place in respect of which a search warrant has been issued. It has correctly been identified as a difficulty that that does not extend to a vehicle when the vehicle is in a public place. The amendments being made by the bill are intended to overcome that.

The issue was identified by the all-party parliamentary Law Reform Committee in its report entitled *Final Report on Warrant Powers and Procedures*, which was tabled in November 2005. According to the Attorney-General, the Magistrates Court has also highlighted the problem. It is perhaps worth noting that considerable time has elapsed since 2005 and that at last the Attorney-General has got around to doing something about it. However, even the set of amendments in the bill appears to be simply a subset of a broader review of warrant powers and procedures which the government is undertaking following the Law Reform Committee's report with a view to bringing in broader legislation at some future point. At the Attorney-General's current rate of progress, one has to wonder how long that is going to take.

The bill makes a separate amendment to section 81 of the Drugs, Poisons and Controlled Substances Act for the purpose of empowering any member of the police force to execute a warrant issued under that section instead of only the member specified in the warrant. Other legislation already allows that to be done, but the Drugs, Poisons and Controlled Substances Act 1981 has not to date allowed that, hence the amendment in the bill.

A further provision in the bill will set a maximum of three months on the time within which an annual report by the Chief Commissioner of Police under the Terrorism (Community Protection) Act 2003 on the use of covert search warrant powers must be given. At present the law requires that the report be given as soon as practicable but with no definite time limit. The bill sets a definite time limit. As I mentioned earlier, the bill also repeals the sunset provisions in the Children, Youth and Families Act 2005 in order to enable the criminal division of the Children's Koori Court to continue operations.

I indicate that the coalition parties do not oppose these various provisions that come within the

Attorney-General's portfolio. The extension of the search warrant powers to cover vehicles seems sensible for the reasons I indicated. However, I raise the point that the definition of 'vehicle' that is being adopted is not consistent across the various acts that are being amended. If one looks at the Crimes Act, the Drugs, Poisons and Controlled Substances Act, the Firearms Act, the Magistrates' Court Act — which is also being amended — the Police Regulation Act and the Prostitution Control Act, to give just some examples, one sees that 'vehicle' is defined generally to cover motor vehicles, aircraft, in some instances boats, in other instances just vessels. By contrast, in the amendment to the Gambling Regulation Act, being made by clause 12 of the bill, 'vehicle' is defined to include motor vehicles, aircraft, vessels, caravans and trailers.

The upshot seems to be that in some instances when this new power to search vehicles is being exercised, it can be exercised in respect of caravans and trailers, and in other instances caravans and trailers are not included. That seems a strange anomaly which is likely to cause confusion for police and others involved in the administration of justice.

I understand that because these amendments are intended to be relatively limited, to pick up on the particular problem of search of vehicles, and that because there is a broader review and potential rewriting of the law relating to warrants still in process, the government's intention is to simply have the amendments made by the bill conform as closely as possible with the structure of the existing legislation to which the amendments are being made. Nonetheless, it seems strange that caravans and trailers are being included in one act and not in others, and that there are some other minor discrepancies between various definitions in terms of some referring to boats and some referring just to vessels. I ask the Attorney-General to consider whether in fact that is the way he wants the legislation to operate, the way he intends it to operate, and if not, that he consider amending his bill in order to achieve a consistent definition.

In relation to the racing provisions of the bill, it amends the Gambling Regulation Act 2003 to remove the current restrictions on advertising in Victoria by wagering service providers located in other states or territories of Australia, it introduces guidelines in relation to advertising standards for wagering service providers, it introduces a requirement that the holder of a Victorian bookmaker registration have a responsible gambling code of conduct which has been approved by the Victorian Commission for Gambling Regulation

and it prohibits the offering of inducements to open a betting account.

There are a number of issues that the coalition parties raise in relation to this part of the bill. The first goes to the definition of 'wagering service provider', which is a quite broad definition and on our reading of the bill would appear to have the potential to extend to cover professional punters and not simply those who carry on what would normally be regarded as a wagering service provision business. Under clause 47 of the bill a new section 4.7.1AA is proposed to be inserted, and in paragraph (d) of the definition of 'wagering service provider' it says:

... a person, who, in Victoria or elsewhere in Australia, gains or endeavours to gain their livelihood wholly or partly by betting or making wagers.

As I said, that would seem to extend to cover a professional punter, and it would be useful to have the position of the government on this issue placed on the record.

Another issue we raise concerns about is whether the bill alters the law in relation to the ability of wagering service providers to offer what are referred to as 'best tote odds' — in other words, the odds that they will pay to a successful punter will be the best of the odds available on the various totalisators that operate around Australia. Sometimes they offer the best of that and bookmaker starting prices, and indeed they can even offer a premium over that.

The issue we raised in the helpful briefing with which we were provided by the department was whether the legalisation of wagering which is contained in clause 41 of the bill when it refers to wagering service provider advertising in paragraph (d), which says 'the odds the wagering service provider is offering in respect of a particular betting contingency', implicitly varies the law relating to advertising best tote odds. We were assured that it does not. Certainly, one needs only to listen to the radio to hear various advertisements that are already being broadcast in Victoria promoting the best tote odds.

It is also worth making the point that the legislation does not require interstate wagering service providers to comply with the responsible gambling code of conduct that is to be required of Victorian bookmakers. One could understand some of the interstate aspects of that issue, but nonetheless it will mean that one set of rules will apply to Victorian bookmakers and they will not necessarily apply equally to interstate operators.

There are some restrictions being imposed on advertising and in particular an intention to prohibit a wagering service provider engaging in advertising that promotes consumption of alcohol while engaged in wagering or sports betting activities. We make the point that what promotes or does not promote consumption of alcohol is likely to be a matter that is hard to define.

In relation to the prescribed statement that is to be included in various advertisements, that is something for which we understand the government is developing standards. The bill leaves it entirely in the hands of the government as to the terms in which those prescribed statements about problem gambling et cetera must be specified. We certainly hope that the government uses that power both sensibly and effectively.

Last, but not least, we make the point that there is a prohibition in the bill on offering inducements, such as credit vouchers or rewards, to open betting accounts. On the face of it, it would seem that that prohibition could be readily avoided by offering some sort of incentive not to open a betting account but for the first use of a betting account after it has been opened. That would seem to be an anomaly and potential loophole in that provision in the bill.

I have set out a range of concerns about the manner in which these provisions have been specified. They seem to be unclear in a number of important respects. Therefore, as we have concluded on the Attorney-General's components of this bill, the position of the coalition parties on these racing amendments is that while we do not oppose them, we have a number of concerns about them.

Ms ALLAN (Minister for Regional and Rural Development) — I am pleased to address the chamber on the Justice Legislation Amendment Bill on behalf of the government. As we heard in the contribution made by the member for Box Hill, the bill is a comprehensive piece of legislation that covers a range of matters. The bill amends the Drugs, Poisons and Controlled Substances Act, the Gambling Regulation Act and repeals some provisions within the Children, Youth and Families Act.

This is an important piece of legislation because it continues the reforms put in place by this government across a range of areas to modernise and reform legislation to reflect current practices. That is why the bill contains a number of amendments to the Police Regulation Act. A considerable amount of work has been led from the Department of Justice and the Minister for Police and Emergency Services about

amending the Police Regulation Act, which is an important piece of legislation.

Obviously this is an interesting time to be talking about gambling regulation and other matters that will be considered by the house, but this bill goes in particular to the matter of search warrants that are required under the act. The sorts of activities that go on in gambling areas require certain levels of regulation, so it is important that our legislation reflects those operations and particularly the circumstances in which a warrant can be issued to authorise police entry to a gambling venue.

I believe I have already mentioned the amendments to the Police Integrity Act, but I do not think I have mentioned the amendments to the Koori Court.

The ACTING SPEAKER (Mr K. Smith) — Order! Minister, this may be — —

Ms ALLAN — I am just warming up!

The ACTING SPEAKER (Mr K. Smith) — Order! I know, and that is why I am about to say I think the time for the dinner break has arrived. We will break until 8 o'clock when the minister can resume her contribution to the debate. She had better get a briefing over dinner.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

ROAD LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr PALLAS (Minister for Roads and Ports).

Mr WELLER (Rodney) — It is a pleasure to rise this evening to speak on the Road Legislation Amendment Bill 2009. This bill is wide ranging and could be classed as an omnibus bill. It deals with a lot of issues when it comes to the management of our roads and safety and law enforcement on the roads.

I will make a couple of observations before I go through the bill. This bill is about increasing road safety and reducing the road toll. If the government were really prepared to make big inroads into the road toll, it would invest in country roads, because we all know that if you fix country roads, you will save country lives.

The government should also get a lot more police out on the road.

As I said, it is an omnibus bill and there are lots of things to talk about. Firstly, the bill clarifies that level crossing offences can be enforced by prescribed road safety cameras. It also provides legislative recognition for standards used to determine fitness to drive.

Clause 47 inserts new section 96B into the Road Safety Act 1986 to allow the minister to issue guidelines about testing a person under section 27 to determine whether the person is unfit to drive, it is dangerous for the person to drive or the person's drivers licence or permit should be subject to conditions, and if so, the type of conditions to be imposed.

If the minister is going to go down the track of deciding who can drive, I suggest he bring in the guidelines that we have been pushing for many years — that is, that apprentices or trainees in rural areas be given a conditional licence so that they can drive to their workplace. A condition of the licence would be that it could be used only when they are driving to and from work. That would help keep young people employed and help keep people in rural areas.

Another provision of the bill will lower the current blood and breath alcohol concentration threshold for an immediate licence suspension for a person who holds a full drivers licence. There are several provisions in the bill dealing with alcohol. I fully support the reduction of the level for immediate suspension from 0.15 down to 0.10. It is a sensible thing to do, but we probably need more police on the roads to enforce it. There are many areas in my electorate where there are unfilled police positions, and we cannot enforce these provisions if we have not got sufficient police numbers. It is no good dropping the threshold from 0.15 back to 0.10 if there is no-one to enforce it.

The bill creates offences for third party circumvention of alcohol interlocks, and I support that.

Mr Helper interjected.

Mr WELLER — The minister at the table says we should have more police in cars, and he is quite right.

The DEPUTY SPEAKER — Order! The member for Rodney should ignore interjections.

Mr WELLER — And that is quite right too. This is a very wide-ranging bill. It talks about drivers failing to — —

The DEPUTY SPEAKER — I have it in front of me.

Mr WELLER — For the information of the Deputy Speaker, it has been described as an omnibus bill.

The clause talks about what a motor vehicle is and about people failing to stop after an accident. Clause 18 says it will be a dangerous driving offence for vehicles other than motor vehicles. Such vehicles include bicycles, but certain wheelchairs are expressly excluded. A person guilty of dangerous driving in a vehicle other than a motor vehicle will be liable for a penalty of 120 units.

The bill defines a motor vehicle as something that is capable of speeds greater than 10 kilometres per hour and includes bicycles. If you are on a bicycle and are at the scene of an accident, you will have to stop. We know scooters are becoming more popular and there are many of them on the roads. They too have two wheels, and they too are capable of speeds greater than 10 kilometres per hour. Where does a scooter line up in this definition? I would like the minister to explain in that in his summing up.

This bill also talks about giving permission to people to do burnouts on private land. Clause 20 amends the Road Safety Act to allow the minister to exempt, by notice published in the *Government Gazette*, persons involved in organised events on private land from the offence of intentionally losing traction in section 65A(1). New subsection (5) will also ensure that persons participating in events specified in a notice published under section 68(3), races and speed trials, or section 68(4), events organised by motoring organisations, will not be guilty of this offence. Hopefully that provision includes when they are on Crown land. This is another point the minister could clarify when he comes around to summing up.

Clauses 59 and 60 are also of interest. They talk about the provision of immunity for the government and VicRoads from the responsibility of fencing. When I read the second-reading speech to see where the minister was coming from, I saw he talked about saving government money. I quote from the second-reading speech:

The existing provisions that excuse road authorities from fencing or contributing to the cost of fencing are currently limited to 'public highways' and the bill extends their operation to the broader category of 'roads'. This broader term will capture public highways, ancillary areas that are designated under the Road Management Act 2004, and any land declared to be a road under the act.

That is for the 2004 act. The speech goes on to say there will be savings. If the government saves, who pays? Obviously it would be the land-holder — or would it be local government? Who is going to pay? The minister went on to say in the second-reading speech:

This amendment aligns with section 249 of the Transport Act 1983 which currently provides that VicRoads is not obliged to fence railways, tramways or roads.

If that provision has been in place since 1983, what this amendment provides for has probably been applying since then. Are there going to be any savings at all, or is this just an illusion? Is the government trying to make out that there are going to be savings when the Transport Act has provided that the government has not had that responsibility since 1983? I think that needs to be explained. Will there be extra savings? If there are going to be extra savings, who in the community is going to pay? Is there going to be another cost shift from state government to local government, or is it going to be another cost shift from state government to private land-holders? Or is the government painting a picture of something that does not really exist?

Other parts of the bill talk about tyre deflation devices, which are used to stop vehicles. The bill provides that they can be used to stop people from moving their vehicle when they are being restrained — that is, when the vehicle is stationary. Currently tyre deflation devices are able to be used during pursuits, but under the bill police will be able to use them at times when people are being restrained.

The bill also refers to the tow-truck driving service, and it defines when a person can be a passenger with a tow-truck driver. It also talks about who can pick up and who can drive a tow truck. We have to fix country roads and save country lives.

The DEPUTY SPEAKER — Order! The member's time has expired.

Ms MUNT (Mordialloc) — I am pleased to rise today to speak on the Road Legislation Amendment Bill of 2009, which, as the previous speaker noted, is an omnibus bill that covers a number of different amendments to the current legislation. I would particularly like to speak about one aspect of this bill, and that is the introduction of the offences of careless and dangerous driving and of failing to stop after an accident for drivers of vehicles other than motor vehicles, such as bicycles. There are exemptions from that particular classification for wheelchairs and other vehicles of that type.

I am particularly pleased to speak on this bill because of an incident that occurred in my electorate about two years ago. My electorate of Mordialloc covers the bayside area and includes a section of Beach Road, which runs from Mordialloc through to the city. This incident occurred on Beach Road in Mentone. I live close by, and most mornings an elderly gentleman would walk past my house and we would wave, smile and chat. One morning — it was a Saturday or a Sunday — that elderly gentleman was crossing Beach Road at Mentone at a signalised pedestrian crossing that leads to a very well used part of the beach near the Mentone Life Saving Club. As he was crossing — on a red light for traffic — he was knocked down and killed by a cyclist on a bike.

Members of my community were outraged by a number of aspects of this tragedy. The first aspect was that such a well-loved local gentleman was killed, and the second aspect was that they believed the penalty available to the courts to impose on the cyclist was insufficient for the gravity of the crime. The local council, Kingston City Council, contacted me with suggestions regarding legislation to cover that loophole. If it had been a car that had gone through the signalised pedestrian crossing and killed that lovely man with whom it was my wont to have a chat, there would have been other penalties available to be imposed on the driver, but because he was killed by a cyclist those penalties were not available.

Representatives of the council came and spoke with me about that. Local members of the community also came and spoke with me, in particular a gentleman called Mr Peter Dowe, who set up a road safety group to lobby for improvements to the law in this regard. I then went and spoke to the responsible minister, the Minister for Roads and Ports, who was very receptive. The end result of that process is the clause to which I am referring in this omnibus bill.

The bill is, as I say, of particular interest in my electorate because of Beach Road and the many cyclists who use Beach Road on the weekends for all sorts of recreational purposes. I must stress that the vast majority of cyclists who use Beach Road are responsible cyclists, but there is a small minority who are not. I would like to congratulate the local police, led by Senior Sergeant Brad Hanel from the Mordialloc police station. After the tragedy I mentioned, the police really stepped up their supervision and monitoring of early morning cycling races. Their road blitz produced great improvement in the behaviour of some of those cyclists, the vast majority of whom are just fine.

The week after this gentleman was killed I went to the pedestrian crossing at Beach Road just to see what happened. I sat on a fence on Beach Road and watched people pushing the button at the crossing to safely cross Beach Road. It was a week after this gentleman died, and it was my misfortune to see cyclists still going straight through the red light. They did not want to stop for the light; it impeded their progress along Beach Road. As I said, the police later blitzed this area and there was some improvement. As a result of this tragedy I believe it is appropriate that stricter penalties that are more in line with driving a motor vehicle have been introduced into the law for people riding bicycles.

I am also pleased to say that following Mr Dowe's great work promoting safety in the area and following my representations to Kingston council, improvements have also been made to that particular pedestrian crossing on Beach Road. Signs have gone up to warn oncoming motorists and cyclists that the crossing is there. There was an issue with having to step onto Beach Road from behind foreshore vegetation to cross the road, and Kingston council, to its credit, has improved the safety measures at that location.

It is sad that I am standing here and speaking as a result of a tragedy, but I knew this gentleman and I know he would have been pleased that something good resulted from the sadness of his passing. I am very pleased to speak in support of this legislation, in particular the clause of this legislation that relates to cyclists. If cyclists do the wrong thing, they should be punished. They should be treated in exactly the same way as motorists are treated. I hope this speech will be noted by my local papers so it can be seen that responsible cycling behaviour can result in the saving of lives and that irresponsible cycling behaviour can result in tragedy.

Many thousands of cyclists travel through the area along Beach Road on weekends. There is heavy usage of the beach in my electorate. There are people doing lifesaving, there are families who go there to picnic, there are people who just want to swim and there are people walking along the foreshore. There are all sorts of recreations, and we must always be considerate of other people's usage of this great recreational asset that we are privileged to have basically at our back door.

I support this bill. It is another piece of Brumby government legislation that is responsive to our community and has been introduced as a result of the community asking the government to address this particular issue. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to contribute to this debate on the Road Legislation Amendment Bill 2009. As members earlier rightly pointed out, this is an omnibus bill which seeks to amend a range of acts falling within the purview of road legislation. The bill seeks to lower the threshold for immediate licence suspension for drink-driving offences — from 0.15 to 0.10 for full-licence holders — and increases penalties accordingly.

Clause 24 of the bill makes the sale or ownership of a device for which the sole or principal purpose is to prevent the use of a prescribed speed detector an offence. This is an interesting development, because as many members would know, many people own Navman devices that indicate by GPS (global positioning system) the location of fixed speed camera devices. I understand those devices do not currently indicate the location of portable speed cameras, but they may do so in the future. I also understand that those devices might not fall under this legislation because their principal purpose is to give people directions for driving. But it is interesting that in many respects they will provide the same result as devices covered by this legislation.

Clause 19 of the bill makes a new provision relating to careless driving. As has been indicated by other members, it provides that cyclists can be charged with serious traffic offences, just as drivers of motor vehicles can be charged. The provision will cover careless driving, dangerous driving and/or riding, and failing to stop and render assistance, exchange details or give reports to police following an accident.

We are very aware of the accident that occurred on Beach Road, and this is an issue that concerns many in the Victorian community. I understand the concerns the community may have about this provision. I equally understand the importance of providing for the large number of recreational cyclists in the community — generally law-abiding people who choose to ride a bike as a purely recreational or physical pursuit. But they, like all of us, must operate in a way which is acceptable to the community. This new provision will reflect the adoption of a reasonable approach.

The bill seeks to introduce a provision for a chain of responsibility for heavy vehicle speed compliance. This will extend responsibility to parties other than drivers and will cover employers, prime contractors, operators, schedulers, consignors, consignees and loading managers. This provision, outlined in clause 53, spells out a range of new provisions. Similar legislation was introduced a number of years

ago in New South Wales, when, through my previous work, I had the opportunity to be involved in preparing that legislation.

I recall that at the time that bill was introduced I was in contact with representatives of the state branch of the Transport Workers Union who had played a significant role, from my understanding, in lobbying to have the legislation introduced. They indicated to me that one of the main areas or groups that would be targeted as a consequence of the chain of responsibility legislation would be people who were consignees or purchasers — the end user, if you like — of the product for which the goods were being delivered. I remember a discussion that took place with a number of different employers and representatives of the union. They were fleshing out the impact the bill would have on a number of organisations and individuals across New South Wales in relation to how much control they would actually have in predetermining the length of time that would be taken for a driver to deliver a good, when in many respects all they have done is order a product and the organisation from which they have purchased the product is then responsible for the delivery of that product.

Proposed section 281(1) states that:

A person who is a consignor or consignee must take all reasonable steps to ensure the terms of consignment, including the delivery time, will not cause the driver of a heavy vehicle that is to transport the consigned goods to exceed a speed limit.

At face value, none of us would be concerned by a provision such as this, because we would naturally assume that drivers would not be put in a situation where they would be required to drive at excessive speed in order to deliver a product. My concern, however — and I would appreciate it if the minister would provide a greater explanation about this provision in his summing up — is with the words ‘all reasonable steps’. Does this imply that a person who is a purchaser needs to inquire into the transportation requirements of the product in order to determine what the delivery route of the driver is, whether or not the driver is going to be required to do other deliveries or whether there is an understanding that the goods will be delivered directly to them from the warehouse from which the products have been sought, or is the driver going to be required to do 10 other deliveries on the way? Those are questions that need to be asked.

When we have a provision that says that all reasonable steps must be taken, again it is going to be left to the courts to interpret or to the Parliament, heaven forbid, to revisit this piece of legislation to ensure that

consignees are not unreasonably placed under a greater burden as a consequence of this piece of legislation for future failure to meet that specific requirement.

Those of us who have travelled along the Newell or Hume highways in New South Wales may have noticed that there are safety cameras which register vehicle movements. I understand this regime has been in place for a while, but I do not know how effective it is. Whilst I understand the intentions behind the introduction of chain of responsibility legislation in Victoria, I have concerns about the potential impact it will have on people who are not directly involved in the transportation of goods — namely, people who are the purchasers of products.

The bill deals with the use of deflation devices on stationary vehicles to prevent a person escaping from lawful custody or avoiding arrest. It will also introduce an offence of bypassing or disengaging an alcohol interlock device that has been fitted in a vehicle, and we all understand the reasons why interlock devices have been introduced.

Sections 59 and 60 will exempt road authorities from fencing or contributing to the cost of fencing on roads, which was previously only applied to public highways. My understanding is that this will align the Road Management Act with section 249 of the Transport Act 1983, which currently provides that VicRoads is not obliged to fence railways, tramways or roads. My colleagues who were involved in briefings provided by the department on this issue were not advised as to the reason behind this. We are concerned that this is potentially just another cost shift. We have seen this in local government under the Road Management Act, and I know that during my time with Knox City Council it was an issue of concern. We are concerned, and again I ask the minister to provide clarity on that issue in his summing up.

Mr TREZISE (Geelong) — I am very pleased to be speaking in support of the Road Legislation Amendment Bill 2009, because it once again highlights the Brumby government’s commitment to road safety in the state of Victoria. I have to say this government has a second-to-none reputation across Australia when it comes to saving lives on our roads. Over the last four or five years, we have seen a record low number of deaths on our roads, and that is not just a statistic, Acting Speaker, as you are well aware. It means that thanks to this government there are hundreds, if not thousands, of families who have been spared the tragedy of having a policeman knock on their door and tell them that one of their loved ones, generally one of their children, will not be coming home that night.

I know it is easy to talk about statistics when we talk about road deaths, but related to every one of those statistics is a family. It is a tragedy for people to lose a loved one. As I said before, generally it is a child, usually a teenager with a red or a green P-plate.

As a member of the Road Safety Committee who has travelled throughout Europe, the United States and Asia, I can assure this house that Victoria is seen internationally as a leader in road safety. As I said, this legislation builds on that very strong base that Labor governments have established over the last decade, starting with the Bracks government in 1999 and continuing on with the Brumby government. They are governments I have been very proud to have served with, particularly as a member of the Road Safety Committee, because I know this state has a reputation that is second to none when it comes to road safety.

We have seen initiatives such as tighter speed restrictions on both open roads and in suburban streets around schools and shopping centres, the addition of drug-driving laws to drink-driving laws, initiatives relating to the introduction of learner and P-plate drivers and tighter laws relating to the trucking industry. On top of those laws, which are designed to modify driver behaviour, this state government has also spent billions of dollars over the last 9 or 10 years upgrading road infrastructure, which is also an important aspect of road safety, as this house well and truly appreciates.

We saw the Melbourne–Geelong road upgrading completed in 2002. Prior to that something like one driver per month on average was being killed on the Geelong road — 12 drivers per year. Since the completion of the upgrade that figure has fallen dramatically to something like one or two drivers per year — I am not too sure what the figure is. Obviously that is one or two drivers too many, but you can see that the initiatives this government has put in place in both driver behaviour modification and road infrastructure have saved hundreds if not thousands of lives.

Mr Eren interjected.

Mr TREZISE — The member for Lara, who is a major advocate for road safety in this house and who has done an excellent job as the chair of the Road Safety Committee over the last couple of years, would appreciate that as a state government we have played — and I am not just singing our praises — a very important role in road safety.

As has been mentioned, this omnibus bill addresses a number of important issues. It strengthens our

drink-driving laws through increased penalties, which I fully support. It reduces the risk posed by heavy vehicle speeding. It improves the hoon legislation we introduced in, I think, 2005 or 2006 — I am a bad judge of time — by providing for a better regime for impounding vehicles. That legislation was well and truly welcomed by the people of Victoria. In my electorate alone there had been major concerns about hooning in the Eastern Beach area, and the introduction of that hoon legislation was well and truly appreciated a number of years ago.

In 2008 the government announced its road safety strategy for the next few years under the Arrive Alive program, and this bill implements a number of initiatives under that successful strategy. For example, the bill expands on the operation of drink-driving laws by introducing an immediate suspension of a licence for full licence-holders with a BAC (blood alcohol content) of 0.10, which is a welcome reduction from the stipulation in the current law of 0.15.

The bill also introduces tighter laws for bicycle riders who engage in careless or dangerous riding. As we have heard, there are numerous examples of problems with dangerous riding. Even you, Acting Speaker, mentioned the problems on Beach Road — they are not limited to Beach Road, as you would be well and truly aware. Bike riding has increased as a recreational sport over the last 10 or so years, and there are problems even in my electorate, down through the Surf Coast and along the Bellarine Peninsula, where riders often go on Sunday mornings. They enjoy riding in a group, but at the same time if they are not properly controlled, they can create hazards not only for themselves but for pedestrians and drivers alike. It is important that we are addressing the laws as they relate to bike riders.

This is good legislation. It builds on the legislation which that, as I said, has been introduced by this government over the last 9 or 10 years and which has made the state of Victoria a leader in road safety not only in Australia but across the world. That is a reputation we have built on over the last 10 years. I support this legislation very strongly, and I wish it a speedy passage through the house.

Mr WALSH (Swan Hill) — I rise to make a contribution to debate on the Road Legislation Amendment Bill 2009. As previous speakers have no doubt said, this is an omnibus bill that amends quite a few different pieces of legislation. I would like to focus on just a couple of those. To begin with, I would like to look at the second-reading speech. I noticed that the previous speaker also mentioned the government's Arrive Alive initiative and how some of the changes to

the laws are based around that. I remind the house that when it comes to country drivers particularly, the greatest way to assist them to arrive alive would be to invest in country roads, especially category C roads.

A lot of good work was done by the RACV (Royal Automobile Club of Victoria) a number of years ago showing that investing in category C roads would have a bigger impact in reducing the country road toll than anything else that could be done, whether it be introducing tougher laws or whatever else.

There has been a disproportionate decrease in the city road toll compared with the country road toll, because there has not been the investment in country roads, particularly category C roads, the narrower bitumen roads. They need substantial upgrading. If you drive through my electorate, you see that quite a lot of those roads have sunk and become very rough because of the drought. As the soils have cracked and dried, the roads have become very rough and quite dangerous. We need a substantial investment because by definition those roads are VicRoads roads, and the government needs to invest in them.

Firstly I want to touch on clauses 6 and 47, which have to be considered together. They are about determining whether people are fit to drive. The issue I would like to raise with the house is no doubt faced by many members in this place, and that is when some of the older people in our community reach the stage where someone believes they should not be driving any more. When this happens their licences are taken off them. Quite often the family does not want to be involved because it is a tough issue, and often the local member ends up raising it.

A few people who have had to sit a new driving test have come to me with issues about how it is done. It is the law, which is fine, and they have to do it, but the issue is about how it is done. Firstly, they have to drive a car they are not familiar with. For an older person that can be difficult, because they are usually comfortable with their own car. We all know that if we get into a different car our driving is not always as good as it might ordinarily be, and that situation is probably magnified with older people.

On top of that, in my electorate the people sent out as driving testers often have a strong foreign accent which older country people — who generally live in an Anglo-Saxon community — do not necessarily understand. Older people therefore are not only stressed because they want to get their licence back — and let us face it, we were all nervous when we went for our drivers licences — but on top of that they are put in a

strange car, with a strange person who has a heavy accent that they may not understand very well. If they make one mistake, they fail the test. They then have to go through an even bigger rigmarole next time. Suddenly they find they are off the road and cannot drive any more.

Therefore, when we are talking about people who are fit to drive we should ensure that we make it reasonably practical for people to resit their test when they are older. They should not be put under undue stress or find themselves in a situation where they are doomed to failure because of the pressure of a strange car and a strange person testing them.

Another issue I would like to talk about is clause 53 and the chain of responsibility for speed compliance. We debated fatigue management legislation in this place not that long ago, and at that time I raised some of the issues I want to touch on tonight — the enforcement of fatigue management and the chain of responsibility for speed compliance.

Transport operators and their drivers have come to my office with concerns about how the fatigue management legislation is currently being enforced by those officers who enforce it. They explain to me that the new work diary is substantially different from the previous logbook. If they make even a small mistake in filling in that work diary, they are up for a substantial fine — in excess of \$600. If the driver makes an entry which is only slightly in the wrong time zone, or if he makes a spelling mistake, he could be fined \$500 or \$600, and that is wrong. When that legislation was introduced it was not the intent that drivers be fined that sort of money for making a mistake when filling in their work diaries. There needs to be some lessening of the vigour in enforcing some of the minor offences there.

An issue raised with me by a driver — and he was most irate about it — concerned an occasion when he incorrectly filled in his work diary. The diary consists of 15-minute blocks. When he set off on his trip he had filled in the 15-minute line forward of the actual time, so he in effect had another 5 or 10 minutes in his trip that he did not account for in his logbook. He was pulled up 100 kilometres further down the highway. The enforcement officer who pulled him up got out his calculator and worked out that if he had left at 3.30 p.m., which is the time he filled in his logbook — the actual time was perhaps 3.20 or thereabouts — he must have been speeding to be at that particular point on the highway at that time. The enforcement officer worked out that because of the time difference in his

work diary, he had averaged 101 kilometres an hour; so he was booked for speeding which meant a \$600 fine.

What is worse is that the transport operator who owns this fairly new truck now has to send it away to have the speedometer checked to see that it is calibrated correctly. He is up for the truck being off the road for the best part of a day and a half — it has to go to Mildura and back to be checked because that is the only place that can do it — plus he has to pay a driver to take it up there and then pay something like \$1000 to have that truck tested to make sure that the speedometer is correct. All that just because the driver put the line in a few minutes ahead of his leaving time, instead of filling it in a few minutes behind. If he had filled it in a few minutes behind and been pulled up 1 kilometre down the road, he would have been in trouble for doing that too!

When we make laws in this place we need to be careful about ensuring that they are practical and work for those who have to live by them in the future. In raising my concerns I caution the house and suggest the minister might take note of the issue when looking at this legislation and at the chain of responsibility for speed compliance. I have written to the minister about this issue and sent copies of the letters from the transport operator and his drivers about how they are being unduly harassed by the enforcement officers.

Another issue the transport operator raised with me was that the enforcement officers presume everyone they pull up is guilty until proven innocent. They go right through a truck looking for drugs, for stay-awake stuff, and they throw everything out of the cabin. They throw out the driver's sleeping gear, their spare clothes, everything — and when they do not find anything in the truck there are no apologies or thankyou's or saying, 'Can we help you clean it up?'. Clothes, sleeping gear et cetera are thrown in the side cut with the grass, with the burrs and the prickles. We are going too far in presuming everyone to be guilty and to be the worst person in the world when it comes to the enforcement of these particular laws. We need to respect the people who do the work to shift the freight around Australia, and not think that they are criminals right from the start.

There is a whole range of other issues in this legislation. Quite a lot of it is good. I am concerned about those particular issues around older people with licences and determining whether they are fit to drive and the enforcement of fatigue management and driving offences. The coalition does not oppose this legislation.

Mr EREN (Lara) — I too am pleased to speak on the Road Legislation Amendment Bill. Many of my

colleagues have eloquently covered most of the bill, but I particularly want to pick up on some of the points made by the member for Geelong — the previous chair of that wonderful committee which is known as the Road Safety Committee. It comes up with many and varied recommendations to government which go a long way towards saving many lives in Victoria.

On some of the comments made by opposition members, even when they support a bill they still feel the need to make snide comments about this government's performance and its investments in road safety. Yet they know well that this government invests heavily in road safety. Just today an announcement was made — and I am sure I will mention it during debate on the appropriation bill — that there will be record investments once again into the areas of police and roads. There was something like \$992 million committed to improve Victoria's roads.

I can certainly vouch for investments that have been made in the Geelong Ring Road. Stages 4A and 4B, and now the extension from the Princes Highway to Winchelsea, will make that road much safer.

I am very proud of our record; we have invested heavily in roads. Having said that, the key objective of this bill is to amend the Road Safety Act 1986 with the implementation of new road safety strategies to decrease road trauma. This involves a new campaign and an increase in penalty units for first-time drink-driving offences.

Bicycle riding has been mentioned quite a lot, and in their travels members of the Road Safety Committee learnt that the Netherlands has 13.5 million cyclists. I was quite surprised to find that the Netherlands does not have a helmet policy; it does not require cyclists to wear a helmet. The comment made to members of the Road Safety Committee at the time we visited was that they did not want to impede people from riding a bike. They said there were many people who rode bikes, and helmets might be an impediment to some of them. I found that ridiculous, but nevertheless that is their policy. We are now going down the path of having a lot more cyclists. That is good to see, not only from an environmental perspective but also in terms of public transport and the health of community members.

I have noticed that some bikes are now very expensive. Obviously they can get up to very high speeds. At one stage I was after a bike for myself; I only wanted to spend about \$300 to \$400, and some bikes were \$10 000, \$12 000 or \$15 000 — I think they were 20-speed bikes. It gets very complicated. Clearly those bikes are designed to move very quickly. In some cases

they are most likely doing 60, 70, 80 and 90 kilometres per hour and keeping up with cars. Colliding with a pedestrian has devastating effects, as we have seen, particularly in the tragic circumstance described earlier by the Acting Speaker, the member for Mordialloc, when talking about an incident in her area. As there is an increasing trend in Victoria towards people riding bicycles, we need to accommodate this by updating our road laws in relation to bicycle riders.

I also want to comment on our reputation around the world. We are particularly renowned for how we have dealt with driving behaviour. Some industrialised nations find it very difficult to tackle the question of driving behaviour, but we are leading in terms of how we have tackled and are improving our road safety conditions and how we have changed people's behaviour and conduct while driving. I am very proud of that reputation. Road safety organisations throughout the world want information on that from us, because they find it very difficult to tackle that side of the problem.

The bill also makes minor amendments to the Road Management Act 2004 which will enable VicRoads, with consent from the relevant road authority, to discontinue a road or part of a road. I know in instances where a road is to be discontinued the council is usually given the responsibility and duty of care in relation to that matter, but the amendments in this bill giving VicRoads that responsibility will make it easier and more efficient to discontinue a roads.

Other amendments in this bill include the correction of a typographical error in the Transport Act 1983 and clarifications to the Accident Towing Services Act 2007. The amendments in this bill to the Road Safety Act 1986 send a very strong message to Victorian road users, and as such it seeks to improve road transport systems and overall safety.

I am sure many members have had conversations at barbecues and around the dinner table about cash cameras, revenue raising and all that sort of stuff. The simple answer to that argument is that we do not want that money; if people do not speed, they do not have to pay a fine. From that perspective, there is clearly no argument. Nobody makes anybody speed; it is the individual with their foot on the accelerator who speeds. Once you do that you are clearly breaking the law. Just because you get caught does not mean it is somehow someone else's fault. From that perspective we are seeing a change in behaviour.

In New South Wales they operate differently. They have a lot more signage about the location of fixed

cameras, and there are signs leading up to them. In many instances you notice that when people go past these cameras they slow down, but once they are past them they speed up. We see that all the time on the Geelong highway. The point-to-point cameras on the Hume Highway make it extremely difficult for people who think they can escape the law by slowing down when they get to the camera and then speeding up once they have passed it. They cannot do that if the cameras are point to point.

There are further amendments in this bill which include creating standards to determine a person's fitness to drive and the introduction of a new offence to protect the operators of safety cameras and speed detectors. We have seen some instances where these operators, who are just doing their day-to-day job, have been attacked by people who get caught speeding. Clearly that is unacceptable. It is their workplace. They are entitled to be safe in their workplace, sitting in their car and catching lawbreakers. There are a lot of campaigns about speeding, and there is really no excuse for it. For those who are caught by one of those speed cameras to then get out of their vehicle and attack a person who is just doing their job is atrocious. Hopefully with stricter laws in relation to those types of offences, that sort of behaviour will cease.

As I said, the amendments in the bill to the Road Management Act 2004 provide for a more efficient and effective way to discontinue a road. The amendment will see a cost saving to the — —

The ACTING SPEAKER (Ms Munt) — Order!
The member's time has expired.

Mrs VICTORIA (Bayswater) — I too rise to speak in the debate on the Road Legislation Amendment Bill 2009. As colleagues have pointed out, this is an omnibus bill that makes quite a lot of changes. Some of them are very good, and I will refer to some of the amendments to the legislation which I think are particularly wise and which will benefit all Victorians.

On the issue of drink-driving penalties, dropping the licence suspension threshold for a blood alcohol reading from 0.15 to 0.10 is a good move. I am angered so often, especially on weekends, when I see a road blitz on the Eastern Freeway and there are cars parked by the side of the freeway. Time and again I wonder why these people have got into a car after they have had a few drinks. Obviously they have a blood alcohol content well over 0.05 when they get into the car. Nobody puts a drink in their hand, and nobody makes them drink it. These people need to be held accountable. As one of many in here who, I am sure,

have been touched by the road toll, I think this is quite a good move. I commend the government for lowering the blood alcohol content threshold to 0.10.

The maximum penalty for a first offence for drink driving is now up from 12 units to 20 units. That is in clause 8 of the bill. If we want to get really serious, in the future we may even look at whether this is tough enough. The community is demanding tougher sentencing for many crimes, especially ones as preventable as drink driving. Accidents are accidents and they are always going to happen, but it is not an accident when somebody has consciously consumed far too much alcohol and then got behind the wheel of a car and intentionally destroyed not only their own family but sometimes other families.

Whilst these changes should be introduced in a timely manner and Victoria Police should have enough time to make the necessary adjustments, it is important the community is made aware of them. The cynic in me would ask, 'Are these changes going to spring up out of nowhere?' — and of course we will have a bit more revenue as well.

Another amendment in the legislation concerns cyclists and their responsibility as road users. This is a particularly wise and timely move. Under clauses 18 and 19 of the bill cyclists can now be charged with offences similar to those that apply to drivers of motor vehicles. There are offences like careless or dangerous driving of vehicles other than motor vehicles — and in this case we are talking specifically about cyclists.

Clause 16 introduces a new offence for drivers of non-motorised vehicles who fail to stop and render assistance. There are also new offences in relation to those who have had an accident and duties incumbent upon them, especially where a person is injured or property is destroyed or damaged. That includes, as I said, stopping and rendering assistance but also exchanging details and reporting the accident to the police. I think this is a good idea, especially after hearing from the member for Mordialloc about an accident that occurred in her electorate, which I am sure is still fresh in many minds.

The types of vehicles referred to in the legislation include bicycles and also certain wheelchairs. These are expressly specified in the bill. They include non-motorised wheelchairs and also those that are motorised but not capable of going more than 10 kilometres an hour. This is a very good part of the bill. However, as with a lot of legislation that comes before the house, I would have to ask whether we really have to legislate for almost everything stupid people

do? There comes a time when we have to say we cannot legislate for the stupid minority. Last year's Tour de France incident comes to mind, where a dog ran out and caused a major accident on the course. What do they do in France? Do they now legislate that dogs cannot go anywhere near the course? We have to be a bit sensible when we are creating legislation.

Another part of the bill relates to third-party circumvention of alcohol interlocks. The existing alcohol interlock program will be amended to make it an offence for a third party to bypass or disengage an interlock device. If somebody who has an alcohol interlock device fitted to their car says, 'I think I want to drive home', and their mate who has not been drinking says, 'Yeah, yeah, you can drive; you are more sober than I am', and blows into the device, that will now be an offence. One would say that that should have been thought of when the devices were first introduced, because I think it is a pretty logical step.

New section 50AAK(1) provides:

- (1) A person must not, without reasonable excuse, by-pass or disengage an approved alcohol interlock installed in a motor vehicle ...

But we have to ask: what is a reasonable excuse? Obviously that is open to interpretation. In relation to clause 9 the explanatory memorandum states:

It is anticipated that it will only be in rare instances that a person might have a lawful excuse for tampering with an alcohol interlock.

That leaves it wide open to interpretation. What are 'rare instances' and who is going to specify what they think is a good enough reason to bypass the device?

New safety laws are coming in to protect road safety or speed camera operators. It will be an offence to obstruct, hinder, threaten, abuse or intimidate a person who is operating a speed camera. That is a pretty fair thing to legislate for, the penalty for that offence being about 60 units. The penalty for the careless driving of a vehicle other than a motor vehicle is 6 to 12 units — I am not sure about the balance there.

The last matter I want to touch on is the heavy vehicle speed compliance section of the bill, which introduces a chain of responsibility for heavy vehicle speed compliance. It extends the responsibility to parties other than just drivers. It could be an employer, a prime contractor, an operator, a scheduler, a consignor, a consignee or a loading manager. There are quite a few haulage companies in the Bayswater district, and I am not sure how they are going to cope with this. If a rogue driver thinks he has a good excuse for upping his speed

a little bit, why should an employer have to pay for his stupidity? This is a very difficult one for me to come to grips with. I think we need to start making people accountable for their own actions. I am not as keen on this part of the bill as I am on some of the other parts.

The member for Swan Hill gave a terrific example of how this type of legislation can be misinterpreted and taken to extremes. Perhaps we will revisit this legislation at a later stage, when it is found to be difficult to administer, and also when the burden falls back onto those who are not necessarily at fault. With those remarks, I will not be opposing the bill, and I wish it a speedy passage.

Mr NOONAN (Williamstown) — I rise to speak in support of the Road Legislation Amendment Bill. In doing so I want to acknowledge that last year 304 people lost their lives on Victorian roads, and a further 7000 people sustained very serious injuries. Having said that, in 2008 Victoria had the lowest road toll since records began in 1952; the figure was 28 less than for 2007. Besides the tragic loss of life, these accidents impact significantly both emotionally and physically upon Victorians. Thankfully, most of us have not lost a family member or loved one on Victoria's roads. However, very few of us in this place can come in here without knowing at least friends or colleagues who, as the slogan goes, may have been 'touched by the toll'.

Through the tireless work of Victoria Police, the Transport Accident Commission and dedicated medical staff and volunteers, the toll continues to fall. But as we all know, every life lost is one too many, and any initiative or law that helps to save lives on our roads is well worth the effort and worth supporting.

Safety on our roads has improved dramatically over the past few decades. Victoria's annual road toll has more than halved since 1989. Policies such as the compulsory wearing of seatbelts, the use of speed cameras, and drug and alcohol testing are all making a difference, but driver behaviour continues to shock and astound. It is almost impossible to comprehend that 42 people who died in crashes last year were simply not wearing a seatbelt. That type of statistic must be both disappointing and enormously frustrating for our police who are trying to prevent this happening. While this year's Easter period produced one of the lowest road tolls with just one fatality, police still reported an alarming number of drink-driving and speeding offences. It seems we must remain vigilant towards driver behaviour.

The bill introduces a range of tougher enforcement efforts to tackle poor driver behaviour and make drivers think twice before getting behind the wheel, particularly if they have had a drink.

An important component of our road safety regime includes road infrastructure improvements. This government has continued to be proactive in improving road safety conditions. Recently the upgrade of the Calder Highway between Melbourne and Bendigo was completed. It involved the construction of a high-standard freeway, which includes bypasses to smaller towns such as Malmesbury, Taradale, Woodend and Elphinstone. This is the sort of road that saves lives. It removes dangerous long stretches of single-carriage highway and enhances driving conditions. Importantly, it will help to save lives on Victoria's rural road network.

It is not just the rural section of the Calder Highway that has been upgraded. Last week, during a public hearing of the Public Accounts and Estimates Committee, the head of VicRoads, Gary Liddle, fielded questions about the Tullamarine-Calder interchange project and the M1 project. Mr Liddle explained that VicRoads expected accident savings of about 20 per cent to 25 per cent as a result of the Tullamarine-Calder interchange project. With that work having been completed, the very good news is that in the first 18 months the result achieved is tracking at about a 65 per cent saving in accidents — well above the expectation of about 20 per cent. VicRoads is also forecasting that the upgrading works on the M1 project are expected to reduce accidents by about 20 per cent.

My electorate of Williamstown has one of the most dangerous sections of road in the state — that is, the section of road along the West Gate corridor between Williamstown Road and Kororoit Creek Road. Fortunately this government is taking action to improve that section of the road, and I commend the Minister for Roads and Ports for his actions. With \$4 million being spent along the corridor as part of the safer road infrastructure program, the project will include the installation of safety barriers and guardrails as well as a widening of the road's shoulders. These safety upgrades will prevent vehicles from running off the road and colliding with roadside objects.

This section of the West Gate Freeway has a significant history of casualties, with 78 crashes in the past five years, 28 of them resulting in fatalities, including the horrific crash on 9 December 2007 in which four young men returning from a funeral died when their car left the road in the Altona area, hit a tree and exploded in flames, killing all of them. These types of road

improvement projects will create safer driving conditions and go a long way to saving lives on Victorian roads.

There is no doubt that this bill is far reaching and ambitious in its goals, and so it should be. It is clearly designed to implement a number of Arrive Alive road safety strategies, a strategy that by 2017 should reduce deaths and serious injuries on Victorian roads by 30 per cent. If this ambitious target is met, then an extra 100 lives will be saved and more than 2000 serious injuries will be prevented each year. To achieve this outcome the Arrive Alive strategy addresses three critical components: safer roads and roadsides, which I have spoken about; safer vehicles; and safer road users.

In light of the broad scope of the bill I want to restrict my comments to a couple of areas of focus — namely, the expansion of the drink-driving laws, which have been spoken about; speeding by drivers in the freight industry; and the chain of responsibility.

Firstly, I will talk about drink driving, which is important because it accounts for up to 30 per cent of all driver fatalities in Victoria. Unfortunately an increasing number of those fatalities also involve drugs. The bill recognises this and has toughened drink-driving penalties across the board. The bill introduces immediate licence suspension for a drink-driving offence by a fully licensed driver with a blood alcohol concentration of 0.10 and above. As we know, this is significantly lower than the previous automatic suspension level of 0.15.

These tougher laws are being brought in at a time when Victoria Police is reporting an alarming rise in the number of drink-driving offenders caught by booze buses. Police booze buses are now reporting a strike rate of over three times that recorded in the mid-1990s. I appreciate that police are getting much smarter in their positioning of booze buses, but it is still a very concerning situation. Policing will be backed up with awareness and education campaigns to send out the anti-drink-driving message. However, experience shows that strong legislation will have an impact on driver behaviour. It is there to protect public safety.

The bill continues to implement a chain of responsibility in the freight industry. The member for Ferntree Gully made a reasonable contribution on this issue. The chain of responsibility is vitally important in an industry that operates on both tight margins and a just-in-time delivery method.

Truck drivers share their workplaces with other road users; they have numerous workplaces, such as

distribution centres, shopping centres, rail hubs, ports, airports and of course the road network. A bill like this is groundbreaking and will be looked to by jurisdictions all over the world in terms of setting appropriate standards. The sorts of provisions in this bill are things that have been fought for by the Transport Workers Union and responsible employers for years.

The chain of responsibility laws ensure that employers and customers who impose unrealistic driving schedules and delivery deadlines take their share of responsibility when laws are broken. It does not for a moment remove the responsibility of drivers, who must be held to account for their speed. What it does mean is that drivers can and should resist any unfair pressure applied from anyone in the chain of responsibility to deliver goods to unrealistic deadlines.

The bill implements national model legislation for heavy vehicle speed compliance. Creating a chain of responsibility with regard to speed offences is crucial in what is an increasingly competitive industry. This type of legislation is broadly supported by industry. It ensures that good operators are protected and that competitive advantage cannot be gained by breaking the law. I assure the house that this type of legislation is groundbreaking and could be considered world best practice. Many people forget when they go into a supermarket that everything on the shelves has been moved by a truck.

I congratulate the minister on introducing this important legislation into the Parliament. It is another vital step in making our roads safer.

Mr THOMPSON (Sandringham) — In commenting on the Road Legislation Amendment Bill 2009, which is an omnibus bill, I will focus my remarks on two areas, the first of which is the lowering of the threshold for immediate licence suspension for drink-driving offences from a blood alcohol level of 0.15 to 0.10 for full licence-holders and an increase in penalties.

Over the last 35 years there have been significant reductions in Victoria's road toll — from 1030 in the early 1970s to a few over 300 today. That is a remarkable improvement, and it is largely the consequence of laws that have been introduced in Victoria, including seatbelt legislation, random breath testing legislation and the prescription of a 0.05 blood alcohol limit. In that regard it should be recognised that much of this legislation has been the result of recommendations made by all-party parliamentary committees. It is fair to say that Victoria has led the world on this issue.

I will principally focus my remarks on the role of cyclists. The bill provides for cyclists to be charged with serious traffic offences — similar to those that apply to drivers of motor vehicles — including careless riding, dangerous riding and failure to stop and render assistance, exchange details or report to police following an accident.

James Gould was a pedestrian who was killed a couple of years ago in Mentone, a suburb that partly falls within my electorate. In commenting on the issue of cycling safety, I refer to a Bicycle Victoria report on cyclist deaths entitled *30:30:30 — Cyclists: Motorists: Government*. It is of some concern, as noted in the report — and the situation may have changed in more recent times — that:

Victoria does not have a systematic approach to reducing cycle death and injury. Apart from occasional reports by Bicycle Victoria and the Victorian Injury Surveillance System there is no consistent study of the problem. Nor do we have a steady program of developing and improving countermeasures.

My attention was drawn to this document by a road safety advocate in Mentone, Pete Dowe, who has had a number of letters published. In fact prior to the death of Mr Gould he made the comment in a letter to the local newspaper that the interface of cycling and pedestrians in Mentone was a tragedy waiting to happen — and, regrettably, it did.

I wish to put on the record a number of concerns raised in Bicycle Victoria's report. It analyses deaths where cyclists on the road have been hit from behind, it gives figures for training and touring cyclists hit from behind and killed on high-speed and rural roads, and it makes a number of recommendations to government. Young people have been killed when riding off footpaths and onto roads, and cyclists have been killed after being hit from the side. Cyclists have been hit head on, one of the most sure-fire means of death. Cyclists have been hit while changing lanes to the right but not overtaking. The report refers to cyclists 'killed crossing lanes, especially slip lanes, on high-speed roads'.

The report also provides some case studies of how cyclists die. Case study 1 is entitled 'Poor risk reduction by the cyclist'. One of the examples is of a cyclist referred to as doing everything wrong — riding at night with no lights or helmet and breaking the road rules. The second example is of a child not ready for the road. The lesson from the death of this young girl is that too many children die because they cannot control their bikes and are not aware of traffic. Case study 2 is entitled 'A combination of factors'. Fast roads leave little room for error, and drivers must give cyclists

room when overtaking. Case study 3 is entitled 'Motorist at fault'. The report says that drunk driving kills, as does drug driving. The bill addresses those concerns by providing an increase in the penalty for driving with a blood alcohol level over the prescribed limit.

There is another example where a cyclist was not paying attention to what was happening on the road; he was hit from behind by a car and died from multiple injuries. The driver was reportedly replying to a text message on a mobile phone when the car hit the cyclist at 100 kilometres per hour. There are a number of recommendations as to how cyclists can help themselves: the selection of the route, obeying road rules, improving their visibility, the education and training of children and ensuring that their helmet fits properly. A former policeman, John Dettman, who worked with Victoria Police in the recovery phase after an accident, picking up the pieces of bodies on train lines and dead bodies off the road after cycling collisions, had a very strong view that the adequacy of the cycling helmet is pivotal to the wellbeing of cyclists.

The report goes on to note how motorists can make it safer for cyclists by obeying road rules, by sharing the road with and showing respect for other road users, by avoiding alcohol and illegal drugs, fatigue and speeding, and by avoiding distractions such as using mobile phones and changing music while driving. The level of disobedience of road rules by motorists using mobile phones while driving is on a very wide scale. The sooner the alignment of a motor vehicle and a loudspeaker holder for a mobile phone is coordinated the better. It is quite anomalous that in this day and age motorists are driving around town with one hand on the wheel and their mobile phone in the other hand. The breadth and scale of that non-compliance is alarming. I think there is great scope for the parliamentary Road Safety Committee to examine this issue further.

There is another way that the government can help to make roads safer for cyclists. Bicycle Victoria comments on drivers using hand-held phones. It says the government should review penalties for negligent drivers who kill cyclists, and recommends funding and building more safe places to ride. I am struck by the incongruity and at times incompatibility of cyclists and motorists on major arterial roads. There are keen cyclists who cycle alone, but with just one lapse of judgement or one small level of inadvertence on the part of either the cyclist or the motorist, a tragic outcome is inevitable.

There are a couple of further matters I wish to emphasise in relation to this study. Hospital admission data held on the Victorian inpatient minimum database (VIMD) is described in footnote 8 of this report. It states:

Hospital admission data is collected on the Victorian inpatient minimum database held by the department of health and community services. This data covers people admitted to Victorian public hospitals, cyclists being identified by the external cause code associated with a principal injury on admission. Non-inclusion of admissions to private hospitals will contribute a small under counting, but this is likely to be consistent from year to year. Readmissions, if they were not correctly coded as such, would result in over counting.

The VIMD does not record causality. Thus one hospital official reported verbally that a patient was admitted and said they were injured on their bike. It turned out they had been using their bike as a ladder to do some painting.

In addition, I would like to note a further bullet point from the report:

... all the cyclists who have a crash 'all by themselves', called bicycle alone or single vehicle crashes. These account for around 80 per cent of all hospitalisations. (The police data include DCA 174 'out of control on carriageway'. Police would not be called to a similar crash on a bike path.)

I call for a higher level of recording of causality factors in bicycle accidents on Victorian roads.

In my electorate there has been a very strong debate about opening clearways on weekend mornings on Beach Road with a view to trying to provide a clear pathway for cyclists between the hours of 6.00 a.m. and 10.00 a.m. However, I will make two comments on this issue. Firstly, two of the more serious accidents that I am aware of occurring on Beach Road in the last 12 months occurred outside those time parameters. Secondly, there is a range of other sporting club users who park along Beach Road, be they recreational anglers or members of lifesaving clubs or boating clubs. The high level of infrastructure, including trailers, parked along Beach Road makes the situation problematic.

The ACTING SPEAKER (Mr Howard) — Order! The member's time has expired.

Mr CARLI (Brunswick) — I am pleased to rise to speak in support of the Road Legislation Amendment Bill. It is good to hear in this house support of a bill from all sides. This important bill is an omnibus bill. Other members have spoken about the fact that it is a very broad bill basically dealing with transport issues, particularly road safety issues, although it has some other elements such as accident towing and management of parking.

I want to focus on two elements of this omnibus bill. One is the improvements to road safety through stronger drink-driving laws. Another issue that has been discussed by many members is the increase in penalties for drivers of non-motorised vehicles, particularly bicycles, who do not obey the road rules. The other element relates to heavy vehicle speeding controls, and what is now a series of pieces of legislation around the chain of responsibility in the freight industry. I will talk a bit about that.

The first thing I really want to focus on is cycling and bicycle safety. As a member of the government I have spoken many times in this house in support of cycling. I am a very proud cyclist, and a few days a week I commute on my bicycle. I represent the electorate with the largest number of commuter cyclists in the state, so I am — —

Mr Batchelor — Stop wearing lycra!

Mr CARLI — I do not wear lycra! In fact I represent an electorate where a large proportion of the bicycles have baskets and where the cyclists are normal folk who do not necessarily wear lycra but use bicycles to get around — to get to work and to shops. I have sought, in this house, to support cycling, bicycle tracks and paths and on-road cycling, and to ensure that there is increased safety for cyclists. That has been a hallmark of this government. The recent release of a bicycle strategy by the Brumby government highlights the importance of cycling not only as a form of recreation but as a form of transport in the state.

Mr Batchelor interjected.

Mr CARLI — I note the presence of a previous Minister for Transport and his good work in promoting cycling in the state of Victoria.

However, supporting cycling also means ensuring that cyclists take fair responsibility while they are on the road. It is not all about providing for cyclists. If cyclists are to be legitimate users of our roads and a legitimate part of our transport system, then they have to share the responsibility for road safety and what happens on the road. This bill provides increased penalties for drivers of vehicles, principally bicycles, who engage in careless or dangerous driving or fail to stop after an accident.

The Brumby government considers cycling to be an important form of transport. The flipside of that is cyclists have to take some level of responsibility. I say that as an avid cyclist and part of a strong cycling community. We do not want renegade cyclists doing dangerous things on our roads. We want cyclists to be responsible.

Briefly on the issue of heavy vehicle reform, there has been at a national level in Australia concern about road safety as far as heavy vehicles are concerned. Over time national codes of practice and responsibility have been developed and there has been legislation nationally around the issue of chain of responsibility. I have spoken about this in the house previously. It applies to mass, dimension, load restraint and driver fatigue management. For all of these issues the responsibility is not simply with the driver but also with other elements of that chain of responsibility. That has been extended to include heavy vehicles speeding, to ensure that those who can influence what a driver does and the decisions made by drivers when they breach speed limits are held accountable.

This chain of responsibility provision targets heavy vehicles speeding. It ensures that those who are in a position to influence a decision that results in a breach of speed limits are held accountable. We have had a bit of discussion in the house this evening about what that means. In practice it focuses on all the parties in the transport chain. It may include the employer, the prime contractor, the operator, the scheduler, the consignor, the consignee, the loading manager — all those who could potentially influence a speeding offence.

This is consistent with other elements in the freight industry such as fatigue management, where the driver is forced to drive at a high level of fatigue as a result of pressure from other parts of the chain. It also applies to the mass they carry and to overweight vehicles. It requires that the employer, the prime contractor and the operator all take reasonable steps to ensure that a heavy vehicle driver who is working for them does not commit an offence. As I said, this extra element of speeding is being added to the principal act. A number of pieces of this chain of responsibility-type legislation have passed through this house.

Another important element of road safety is the expansion of the operation of immediate licence suspension for drink driving. When it applies to a full licence-holder it will go from the 0.15 concentration of alcohol to 0.10. I think that is important. It is part of this constant fight we have in Victoria to ensure that we lower the death and injury rate on our roads.

The bill increases the penalties for first time drink-drive offences, for companies that fail to disclose the identity of a driver to a member of the police force, and for driving a large vehicle and exceeding the speed limit. There is a whole series of new elements to enhance the Brumby government's strategy to further reduce by 30 per cent by 2017 the number of deaths and serious injuries on our roads.

Victoria is a world leader. Members of the Road Safety Committee have spoken tonight and indicated that when they travel overseas there is a recognition that Victoria is a world leader. We have among the safest roads in the world. In 2008 Victoria recorded 5.75 deaths per 100 000 head of population, compared to 7.23 for the rest of Australia. Not only are we among the safest in the world but we are certainly the safest in Australia.

If you look at the key initiatives taken by the Bracks government and now by the Brumby government, you see a number of areas of focus and of commitment to reducing that road toll — managing speed, pedestrian safety, motorcycle safety, heavy vehicle safety and bicycle safety. We are working with the community, raising awareness and providing educational campaigns. We are tackling drink driving, drugs and the combination of drink driving and drugs. We have been world leaders in acting on those issues.

And then there are our roads. There is no doubt that safer roads, targeting black spots, targeting intersection crashes and targeting on-road safety issues have been critical in reducing our road toll. There is no doubt that there have been successes, but we also have to also recognise that we still have far too many people dying on Victorian roads, with 303 deaths in 2008. Even though that number was 29 less than in the previous year, it was still far too many.

The campaign to reduce that number continues. We will continue to pass necessary legislation that empowers the police and the community to act to make Victorian roads among the safest in the world. I commend this important bill to the house.

Mr DELAHUNTY (Lowan) — I rise to speak on the Road Legislation Amendment Bill 2009 on behalf of the Lowan electorate — the largest electorate in the state. I know the bill contains many provisions dealing with road safety. Like many members of this house, I am not opposed to those provisions. However, there are many unanswered questions, and I have concerns with parts of this bill.

I have just heard the member for Brunswick speak about the bill. I know he is a very passionate supporter of road safety, as all of us are. I was more interested in his cycling comments. I am not sure if he wears lycra; he said his constituents do not, but he did not say that he did not. We are talking not only about cycling; walking is also a good thing to keep us fit.

Mr Batchelor — What about you?

Mr DELAHUNTY — I do all those things.

Mr Batchelor — Do you wear lycra?

Mr DELAHUNTY — No way! The reality is this bill contains many provisions. It is what is called an omnibus bill. In the short time I have tonight I want to cover some of the things that are concerning me. As I said, many of the provisions in this bill deal with road safety, and we are all strongly supportive of that. I have just come back from a couple of weeks away. I was over in Turkey, and I think we could show Turkey a lot of road safety initiatives, particularly in relation to wearing helmets. Over there neither motorcyclists nor cyclists have to wear helmets. Some of those initiatives have been great in Victoria, and we lead the way in a lot of road safety measures.

However, there are some concerns, and I want to cover them today. The first is that this bill exempts road authorities from fencing or contributing to the cost of fencing road reserves. I heard the member for Polwarth speak about this in his contribution. Like him, I am concerned, and he was not given the answer to his question about where this provision applies. We know that only last year, in early 2008, responsibility for weed control was shifted from the state government across to local government. As I said before, the size of my electorate is 34 500 square kilometres; it is the largest in the state. In fact, I can fit 76 — —

Mr Lupton — Which is the smallest?

Mr DELAHUNTY — The member for Prahran asked which is the smallest. In fact his electorate is the smallest. It is less than 12 square kilometres in area. I am sure the member could ride around it in half a day. If he had a car, he would be able to do it in less time.

The reality is my electorate covers 34 500 square kilometres. It is the largest electorate in the state, and 76 of the other 87 electorates could fit inside it. There are seven municipal councils in the electorate, and they are responsible for a lot of roads in their areas. They were very disappointed last year because the government provided only \$5 million to be shared between the 79 councils in Victoria and the Department of Primary Industries for the control of weeds on country roadsides. There is an unrealistic ask in this clause, where the government is again going to shift costs from the state government across to local government — or it could be to private land-holders — for the fencing.

I could use the example of my area. Ararat Rural City Council is responsible for 2247 kilometres of roads; Glenelg Shire Council has 2627 kilometres; Hindmarsh Shire Council has 3254 kilometres; Horsham Rural

City Council has 2948 kilometres; Moyne Shire Council has 3473 kilometres; Southern Grampians Shire Council has 2660 kilometres; and West Wimmera Shire Council, one of the smallest populated shires in the state, has responsibility for 2764 kilometres of road reserves.

Where we have seen the state government handball responsibility for weed control to local governments, those local governments are now concerned that they are going to be given responsibility for more costs by the Brumby government. In fact they are going to be handballed more problems in relation to funding their road infrastructure. It is unrealistic to expect local governments to handle that, and in this time of financial crisis the last thing ratepayers want and the last thing our councils need is to pick up the tab for another Brumby government cost shift. Many councils in this state relied on the Brumby government to relieve the financial pressures when this budget was handed down today. Councils may have got a little bit, but they did not get anywhere near enough, particularly if we are going to have this type of legislation which handballs more cost pressures to local government.

I strongly support the idea that cyclists could be charged with serious traffic offences similar to those that apply to drivers of motor vehicles. I have heard great contributions in the chamber tonight about specific cases, and there is no doubt that anyone using our roads, whether they be motorists, motorcyclists or cyclists, need to comply with the road laws. Road laws are there to control the 2 or 3 per cent of people who unfortunately do the wrong thing. We have to have those laws. Unfortunately there have been instances of the road laws being disobeyed by cyclists and of the government, police and others having limited power to regulate the activities of those people doing the wrong thing. I support changes in that area.

The third provision I will talk about lowers the threshold for immediate licence suspension for drink-driving offences applying to full licence-holders from 0.15 down to 0.10 and increases penalties. If there is one thing that I am concerned about as a non-drinker, it is that people on the road should be doing the right thing. Alcohol impairs your driving ability. It does not matter whether it is fatigue, drink driving or any of those things. Because most of our roads in country Victoria are single-lane roads, including in the Lowan electorate, a person coming towards you from the other direction, whether they are driving a car, riding a motorcycle or driving a truck, needs to make sure they are fully capable and can control their vehicle responsibly. That means I have to do the right thing too.

We have seen great improvements in relation to controlling drink driving, and we have also seen work done in controlling drug use by drivers, but I think more work needs to be done. The reality is that I, like the other members who have spoken on this bill, support the lowering of the threshold for immediate licence suspension for drink-driving offences.

Another concern I have, on which I have also heard comments made, is that if this legislation gets through, it will make it an offence to use devices for informing people about speed cameras and the like to prevent the effective use of prescribed speed detection devices. In his contribution today the member for Polwarth spoke about global positioning system devices. I agree with him and many others that they assist people to find their way around cities and even around country Victoria. Those devices are not always 100 per cent accurate, but they are capable of identifying fixed speed cameras. My understanding is that under this legislation they will still comply with the law, but if anyone sells a device the principal purpose of which is to prevent the use of prescribed speed detection devices, that will still be an offence. That is probably the right thing to do, because as the old saying goes: if you break the law, you should get caught; and if you do not break the law, you will be all right.

It concerned me greatly when I heard in the budget today that driving, speeding and other traffic offences will result in an increase of 10 per cent in revenue obtained in the state from that source, because I thought we would be pushing those figures in the other direction. I thought people would be doing the right thing, but obviously this government is wedded to debt and is looking for another way of paying off its large debt. It looks like the motorists are again going to be hit. This government and other Labor governments have been notorious for hitting motorists by increasing taxes on fuel, speed camera fines, taxes for registration from pensioners and those types of things. This government loves to hit particularly people who own cars. I have some concerns in that regard.

I will finish by saying that this omnibus bill covers many matters. Like other members, I am not opposing the legislation. I wish it a speedy passage through the house. With those few comments, on behalf of the Lowan electorate I say again that I am not opposing this legislation.

Ms DUNCAN (Macedon) — I rise in support of the Road Legislation Amendment Bill 2009. As has been stated by previous speakers, this is quite a meaty little bill with a huge number of changes, some of which are not quite as complicated or as detailed as others. It

covers an enormous area in road safety and ranges across a number of jurisdictions, including the Department of Justice, the Department of Transport, the Department of Planning and Community Development and the Department of Sustainability and Environment. It deals with a broad range of matters in relation to road use.

This bill comes on top of a whole raft of amendments and initiatives this government has introduced in nearly 10 years in office. In February 2008 the government launched its new road safety strategy Arrive Alive 2008–17, which builds on the previous Arrive Alive strategy 2002–07. The strategy has achieved a huge amount in that time. The objective of the initial strategy and the second strategy is to reduce deaths and serious injuries by a further 30 per cent by the end of 2017. I think it is great and important to have strategies and objectives in policy but it is also important that we make the changes necessary to achieve those.

Certainly the Arrive Alive strategy 2002–07, which was the first, has been very effective in reducing road deaths and road trauma. The achievements of that Arrive Alive campaign include a 19 per cent reduction at the end of 2007 in the number of road deaths compared to the three-year average of 1999–2001, which was used as the benchmark. Just prior to the launching of Arrive Alive the annual road toll was 444.

To the end of 2008 an estimated 720 fatalities had been prevented, including 129 in country Victoria since the introduction of the first road safety strategy, which was introduced in late 2001. In 2008 country Victoria recorded its lowest road toll on record, with 137 fatalities — a 21 per cent reduction on 2007. As a member of Parliament representing the electorate of Macedon I am particularly interested in the road toll on country roads. You, Acting Speaker, also represent a country electorate, so you too will know that roads are often narrower in country areas and have lots of wildlife on them.

People drive much faster on country roads. You are almost certainly at most times going to be travelling at 80 or 100 kilometres per hour, so any crashes that occur at those speeds almost inevitably result in fatalities, and it is that which makes country travelling more dangerous. That is why we need to direct our strategies to these sorts of areas.

As I said, the Road Legislation Amendment Bill builds on a number of strategies that have been introduced in Victoria over the last five years. These strategies have focused on a number of key areas — for example, tackling drink driving and drug driving has been a key

focus of this government's initiatives. On-road safety treatments have particularly targeted crashes that involve vehicles running off the road and intersection crashes. The initiatives to reduce the incidence of those crashes have been about investing in roads and road infrastructure.

In the area of speed management there has been the introduction of reduced speed limits down to 40 kilometres an hour around schools, for example. The strategies have also focused on pedestrian safety, on motorcyclists, on heavy vehicle safety, on bicycle safety and on working with the community on a number of these initiatives.

There has also been legislation or regulation around mobile phone use, motorised scooters and seatbelts — for example, there is now legislation to ensure that every occupant in a vehicle wears a seatbelt, which was not the case previously. We have also introduced legislation to deal with hoons, to which a number of amendments have been made. A feature of that legislation has been that, to date, over 6500 motor vehicles have been impounded. We have also seen increased safety at railway level crossings, with the provision of more warning signals and infrastructure. This government has a very proud record on road safety, and the bill before the house builds on that.

In my opening remarks I said this bill deals with a huge number of issues, and I wanted to focus on a few of them, including speed camera operators. As it happens, my partner was involved in a situation where a gentleman had taken it upon himself to cross a road and to abuse a speed camera operator. It was a very messy business. Had this legislation existed at that time, it would have been much easier to deal with that case.

It is not uncommon for abuse to be levelled at speed camera operators. Maybe it is a bit like the unpopularity of football umpires, but I suspect part of the reason is that there is an oft-perpetuated view that speed cameras are about revenue raising. Having a low tolerance to speeding and speeding drivers I get incredibly frustrated every time I hear the suggestion that such measures — including the use of speed cameras focusing on drivers' speed — are revenue-raising exercises. Road statistics show that reducing the incidence of speeding reduces the crash rate, reduces the number of deaths and reduces the incidence of injury.

We know all this for a fact, yet we continually hear the suggestion that the role of speed cameras, and therefore speed camera operators, is to raise revenue. That enables drivers to feel quite justified in their speeding

and allows them to think they can abuse the people who are implementing those provisions. I am very pleased that this bill provides for the introduction of a specific penalty for abusing speed camera operators.

This bill also increases penalties for drivers of vehicles other than motor vehicles, such as bicycle riders, who engage in careless or dangerous driving or who fail to stop after an accident. Recently there have been some cases where this has occurred. As the driver of a car — rarely do I ride my bike on the road — there have been times when I have thought bike riders believed they did not need to abide by the road rules, which makes things very difficult for drivers and dangerous for cyclists. I think this is a good provision.

I am also pleased to support the part of the legislation that deals with implementing a national model for heavy vehicle speed compliance. Parties in the transport chain who can influence where speeding occurs have a responsibility to ensure that drivers are not encouraged to speed, as is agreed by the Australian Transport Council. I know a number of truck drivers, some of whom drive interstate, so I know that often their schedules are such that it would almost be impossible to meet their deadlines without speeding. The operators and the people who have paid or will pay them to deliver their goods know the distances that the drivers will have to travel and would know what the estimated time of arrival would be for such a journey.

Such people cannot demand that a driver complete a journey in a shorter time frame without speeding, and this legislation will extend that chain of responsibility and make those people also share in the responsibility for that vehicle's speeding. Many drivers do not want to speed and know that speeding increases the risks to themselves and other motorists. This legislation does some excellent things, and I commend it to the house.

Mr CRISP (Mildura) — I will make a very brief contribution to the debate on this bill. I will focus particularly on clause 47, which deals with older drivers. Testing older drivers is something we need to take into consideration in country areas. Allowing older people to continue driving may not be safe, but if we are going to remove their independence, then we need to prop up public transport services and transport options that these older people can use so that they can continue to use the services they need and be functioning members of our community.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Schools: nurses

Mrs VICTORIA (Bayswater) — I rise to ask the Minister for Children and Early Childhood Development to immediately reinstate full funding to the primary school nursing program so that all prep children can be seen by a school nurse.

As the mum of a daughter in prep, I am deeply concerned about the new school entrant health screening taking place. In previous years all prep students were seen by a visiting school nurse, so when several mothers, teachers and principals approached me and alerted me to the fact that very few children are now being seen, I decided to investigate further.

All prep parents were given a questionnaire to complete regarding the health of their child. The cover letter accompanying this questionnaire had the subject line 'Changes to prep vision testing by school nurses in 2009'. It did not mention that only selected children would be seen for a full check-up, which previously included general health, dental and weight checks. Indeed the department's own website says 75.8 effective full-time nurses are employed to deliver a universal vision and targeted hearing screening service to all prep students in primary schools across the state.

The introduction to the questionnaire says, 'If you agree to have your child seen by the school nurse please complete the following'. I completed the whole lot, and my child was not seen. The generic letter I got back from the nurse claims my daughter was not seen because she had a three-and-a-half-year-old maternal and child health check. Teachers explained to me the unquestionable need to have all children screened for hearing and vision problems at prep age, as it sometimes explains a child's behaviour in the classroom. If a child, for example, has some degree of hearing loss, they may become unruly or appear insolent when in fact they are just not hearing instructions. In a normal home this may not be as evident as it is in a room full of noisy prep students.

Every parent who approached me agreed they were not qualified to detect minor vision or hearing abnormalities in their children. Indeed children are so adaptable that many learn to compensate for their deficiencies. Formerly, a nurse would spend an entire week or more at a primary school, but most schools have reported to me that despite growing enrolments

the nurse only attended for two days this year. Staff from three schools confirmed that the nurse had said funding had been cut from the program. Every parent and teacher I spoke to at various schools was of the understanding that every child was to see the nurse, not just four or five children from each class.

If, as the minister has so often said, education is this government's no. 1 priority, and if her department's role is to support young children and give them the best possible start in life, why has school nurse funding been cut? Why is the minister short-changing our kids? I implore the minister to increase funding to this essential program and have nurses return to our primary schools this year to see every Victorian child in prep. If she does not, we will all have to deal with the ramifications down the track.

Sweeney Recreation Reserve: funding

Ms GRALEY (Narre Warren South) — The matter I wish to raise is for the attention of the Minister for Sport and Recreation and concerns Casey City Council's application for \$60 000 from the community facility funding program. The action I seek from the minister is that he look favourably at funding the Sweeney Recreation Reserve netball pavilion extension.

Casey is one of the fastest growing municipalities in Victoria and can be classed as having a young population, with approximately 65 per cent of the population younger than 40 years old. The 10-to-39 age group is the highest proportion of the population that is active and therefore most likely to participate in organised sport. In relation to sports participation there are approximately 200 registered sports clubs in the municipality.

Netball is still the undisputed favourite sport played by women in Australia, and this is reflected in Casey, with netball ranking equal fourth in participation rates for children. Across all age groups netball rates equal eighth in participation in Casey. This is higher than the Victorian ranking, at 11th, and the national ranking, at 10th. There are currently 18 netball clubs registered in Casey which operate out of schools, recreation reserves and indoor sport centres. There are four major netball competitions conducted in Casey — the Cranbourne South West Netball Association, the City of Berwick Netball Association, the Hampton Park Netball Association and the Mornington Peninsula Nepean Football League netball club. These competitions currently have registrations of approximately 3263 participants.

Narre Warren Netball Club operates out of Sweeney Recreation Reserve and participates in the Cranbourne South West Netball Association. The club currently has 221 members and will be able to increase its membership base once its facilities have been upgraded. As parliamentarians we are always mindful of the alarming levels of childhood obesity and the need to address this — it is a serious health issue. Participation in sport and good health go hand in hand. What better way to address the issue of childhood obesity than by investing in community sport?

Community sport is also about community building. In many communities sport is the glue that keeps people together. In new communities it is the place to make new friends. Children form long-lasting friendships in their sports clubs, and their parents also form similar friendships with other parents. The benefits of community sport are clear.

The Sweeney Recreation Reserve netball pavilion extension plan includes toilets, change rooms, a kitchenette and upgraded security. The extra change rooms are of particular importance. As the sports clubs grow, more change room space is required not only for their own teams, but also for guests.

I congratulate Casey council for its commitment to community sport in our growing community. I also congratulate the minister for his commitment to community sport and ask that he ensure that Casey council's application for \$60 000 for the Sweeney Recreation Reserve pavilion extension is successful.

Water: Shepparton supply

Mrs POWELL (Shepparton) — I raise a matter for the Minister for Water. The action I seek is that the minister fund a pressurised pipe supply system for the land-holders and members of the Shepparton stock and domestic community water supply scheme into the Cosgrove, Cosgrove South and Pine Lodge district. I presented a petition in relation to this today bearing 104 signatures, and the people who signed the petition want to draw to the attention of this house the fact that their stock and domestic water channels are urgently in need of replacement for critical community, environmental and commercial reasons. They are requesting funding for a piped stock and domestic scheme.

This government is spending millions of dollars building the north-south pipeline to send water from the Goulburn system to Melbourne and away from where it is most needed, the food bowl of Australia. I therefore ask the minister to urgently support these

land-holders who have run out of water because of the drought and have been told there will be no allocations to fill the dams this year. This has had a huge impact on these people and the district.

The member for Swan Hill, who is also the shadow Minister for Agriculture, wrote to the Minister for Water in October last year explaining the dire circumstances and advising that thousands of sheep and hundreds of cattle have had to be sold or agisted elsewhere. The minister responded on 29 January this year advising that community members would have to purchase water on the market or cart it from existing emergency water supply points.

The Minister for Water also acknowledged the benefit of a piping system in his letter. I quote from part of the letter from the Minister for Water:

Furthermore, in light of the recent dry conditions, G-MW is working with the community to reassess the feasibility of laying pipes in the channel system. In the long term this could reduce the volume of water needed to supply full entitlements from 830 million litres per year to 200 million litres per year and will reduce the risk of future water shortfalls.

For an investment of approximately \$4.3 million towards the cost of a pipeline system to replace a degraded open channel system, over 630 megalitres per year could be returned to the Murray-Darling system. This would not only be environmentally responsible but would drought proof and fire proof the area and enable the district to continue producing food and fibre, as well as provide much-needed water for critical human needs.

Piping this 100-year-old system would remove 100 users with an annual entitlement of 830 megalitres from the Broken River, which is under huge stress, and provide landowners with security of water supply. Those people are desperate at the moment; they have been urging the government to come forward and make a decision about piping the channels. We know the channels are over 100 years old. They have been leaking and seeping. We are aware of all the reasons the minister wants the channels in the Goulburn Valley lined. We urge the government to have a look at the situation of those people and respond.

Veterans Reserve, Spotswood: monument

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister Assisting the Premier on Veterans' Affairs — and it is pleasing to see him in the house tonight. I ask the minister to support an application made by the Commemoration Park Memorial Committee to replace the fence around the Battle for Australia monument in the Veterans Reserve

in Mary Street, Spotswood, under the Restoring Community War Memorials grants program 2008–09.

Veterans Reserve in Spotswood contains a memorial to all who served in defence of Australia from 19 February 1942 to 15 August 1945. The memorial was installed in 2007 and is in very good condition. However, the fencing around the reserve is in poor condition and requires urgent replacement.

I was present for the memorial's installation back in 2007 and was joined by the then mayor of Hobsons Bay City Council, Cr Bill Baarini, representatives of the RSL, Spotswood Primary School students and other members from our local community.

To the credit of the Hobsons Bay City Council, it has worked closely with the Commemoration Park Memorial Committee to develop a style of fencing that will offer greater protection to the memorial, whilst not detracting from the overall amenity the reserve currently offers. A new fence will also add to the safety and dignity of the area.

Since its inception in 2004–05 the Restoring Community War Memorial program has supported over 200 projects. These projects have helped restore existing memorials and honour rolls back to their original condition. Some of these projects have also enhanced memorials to properly reflect their local communities' service history and increase local community knowledge about the history and purpose of local memorials.

I note in the application guidelines that projects requiring funding for repairs to barriers and fences that surround and protect a memorial are eligible under this grants program. This application by the Commemoration Park Memorial Committee seeks funds for exactly that purpose. I know the minister at the table, the Minister for Gaming, appreciates the importance of these monuments and their surrounds. I am sure most members would have participated in Anzac Day commemorative services a couple of weeks ago and noticed that crowds continue to grow for these important events. The action I seek from the Minister Assisting the Premier on Veterans' Affairs is that he support this particular application to erect a new fence at the Veterans Reserve in Spotswood.

In closing, I want to thank and acknowledge Mrs Jean King, the memorial committee treasurer, for preparing the application. I also thank the other committee members for working so hard to have the original monument installed in 2007 and for pressing ahead with this application.

Springvale–Old Warrandyte roads, Donvale: traffic lights

Ms WOOLDRIDGE (Doncaster) — I raise a matter for the Minister for Roads and Ports. The action I seek is for him to ensure that the new traffic lights being installed at the busy Springvale Road–Old Warrandyte Road intersection in my electorate meet the needs of local residents. According to the former transport minister, these lights are being installed to 'improve safety and reduce delays at this busy intersection'.

I recently met with more than 40 residents near the site to discuss the plans, and they had a number of contributions they wished to be included in the design. The priority issue is pedestrian access to the planned bus stops on either side of Springvale Road near Berrima and Old Warrandyte roads. A pedestrian crossing or traffic lights need to be installed nearby because the stop serves many school runs. Students alighting and boarding buses will risk rushing across four lanes of busy traffic rather than walking further along the street to the traffic lights to cross the road there. This needs to be addressed as a matter of urgency, and it could be a major safety issue.

Residents want assurances that the road will accommodate drivers turning left from Old Warrandyte Road east and that they will not be blocked by cars turning right at that intersection. Residents want keep-clear signs on both sides of Springvale Road — one for cars exiting Berrima Road, one near the intersection of Old Warrandyte Road west and Springvale Road to allow cars to turn left, and another outside the unit development entrance on Old Warrandyte Road west near the intersection, as vehicles frequently block the entrance. Berrima Road residents want to ensure that the centre median strip at the Berrima Road–Springvale Road intersection is wide enough to safely contain a car waiting to turn right onto Springvale Road rather than risk being hit by passing traffic, as is currently the case.

Residents in Berrima Road, Leslie Street and Serpells Terrace are concerned about traffic flows and want to know that their streets will be incorporated into traffic management planning once the lights are installed. This could include considering the sequencing of the new lights with those at Mitcham Road and those outside the Donvale Retirement Village to ensure smooth traffic flows. Residents want clarification on what vegetation will be removed and, importantly, what revegetation will be carried out. They also want to know what noise abatement measures will be put in place while these works are being carried out.

The works raise a number of questions about the government's ultimate agenda for this section of Springvale Road between Mitcham Road and Reynolds Road. Residents want to know what is planned for this arterial road in the future and when further work will be carried out. I have written to the regional director of the Metropolitan South East Regional Office, Mr Steve Brown, outlining these suggestions and questions. I will also give a copy of the residents' requests to the minister.

It is disappointing that VicRoads did not consult with residents about this significant intersection, as they clearly have a lot of good ideas to contribute to the planning. I strongly urge the minister to take the views of Doncaster residents into account and ensure that these new lights genuinely support the safety and ease of passage of local drivers, public transport users and pedestrians.

Diamond Creek: multipurpose stadium

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Community Development. The action I seek is for the minister to support a grant application that has been made by Nillumbik Shire Council in support of funding for the Diamond Creek multipurpose stadium.

Members in this place would be familiar with my advocacy over many years for this facility in the Diamond Creek part of my electorate. In fact my advocacy resulted in a \$25 000 recreational needs study which identified the need for this facility in the first place. I was delighted to learn that another \$1 million has been allocated for this facility in the budget announced today. This project involves the development of a multipurpose facility to accommodate performances, large community meetings and celebrations as well as indoor sports like netball — which is my favourite sport — basketball and gymnastics.

The state government has agreed that this facility be constructed on education department land at Diamond Valley College and adjacent to Diamond Creek East Primary School. The facility will be shared between these great government schools and the broader community, in particular by the Diamond Creek Force Netball Association. I think there needs to be greater support for women's sport in the shire of Nillumbik.

Due to its sporting component, the development has previously been supported by the Minister for Sport, Recreation and Youth Affairs in this place with a grant of \$500 000, which is the maximum amount allocated

under Sport and Recreation Victoria's major facilities grant. That grant was announced back in 2007. Because of the wonderful community development benefits that this stadium will bring, an application has also been made by the Nillumbik Shire Council for a significant Victorian Community Support Fund grant. The facility will support Diamond Creek and district residents, but in particular in relation to non-sporting uses it will also support the residents of up to 17 rural areas to the north of Diamond Creek as well as the residents of the rest of Nillumbik shire, many of whom have been affected by the horrific 7 February bushfires. These people currently have to leave the shire to access venues such as this.

The significance of this project has also led to \$3.5 million in federal funding being granted by the Rudd Labor government. Additional funding from community development funds is necessary to finalise the building of this great centre.

Albury Wodonga health service: establishment

Mr TILLEY (Benambra) — I raise a matter for the Minister for Health, and the action I seek is to have the minister ensure that all the debts of both Albury and Wodonga hospitals are cleared before 1 July 2009, when an integrated health service will become a reality. On 20 September 2001 the then Victorian Minister for Health, John Thwaites, stood in this place and announced a 'united public hospital system for Albury and Wodonga commencing from 1 January 2002'. It is now over seven years since this date, and the long-awaited integration will become reality on 1 July 2009.

The communities of Albury and Wodonga have waited for this for a long time, and the integrated service deserves to be given every possible chance of succeeding. A clean slate is the only way to start, and ministers from both sides of the border — from New South Wales and Victoria — need to ensure that all outstanding debts to traders are paid in full before the amalgamation. There is a history of reports coming out of New South Wales about suppliers being owed large amounts of money for long periods of time without payment by Greater Southern Area Health Service. The latest report states that there are debts of over \$900 000 owed to a radiologist. The level of debt has forced the suspension of services for breast screening and reduced the availability of radiology for non-urgent surgery in theatres. Obstetric services have been located in Wodonga for several years, with New South Wales residents having their babies delivered in Wodonga.

Any invoices for these services still owing in New South Wales need to be paid in full for the clean slate to be achieved. Local businesses need assurances that invoices will be paid in a timely manner by the integrated health service. An amalgamation born with outstanding payments is not going to instil the confidence required. Small businesses rely on an ongoing and reliable cash flow to ensure continued provision of services.

The health services of the Albury-Wodonga region are unique, and a cooperative approach between services has been seen as vital for the border's future health care and for the benefit of our communities. This historic cross-border integration should see patients from both Albury and Wodonga benefit from two excellent hospitals under one management working together to deliver the best possible health care. This government now needs to do all it can to ensure that the correct stable foundations are laid for the combined services — not foundations immediately under pressure from the weight of a high debt level.

Dingley arterial: construction

Ms MUNT (Mordialloc) — The matter I raise is for the Minister for Roads and Ports. I ask the minister to take action to clarify and explain the scheduling and also the construction details of the next stage of the Dingley arterial road. This project is being watched with keen interest by residents in my electorate, and I have had many instances of correspondence seeking information about it. They are interested in the scheduling of works to put this project in place and also in the construction details to see exactly how the road will be constructed — details such as its path, traffic lights et cetera. I am requesting that that information be made available to me to share with the constituents in my electorate.

This road is one of high interest and concern for motorists in my electorate. Many, many years ago when I was growing up in Highett this road was talked about. That was a good 40 years ago, and there has been a high level of interest in it for all those years. This will be the third stage of the Dingley arterial road to be put in place. Already the Dandenong bypass has been built and the South Road extension has been constructed, and now this third stage is mooted to go from the Westall Road extension on Springvale Road to Perry Road in Dandenong. It is a major piece of road infrastructure in our area. It will cost many millions of dollars, and we will watch the construction of this road with much interest.

I congratulate the Brumby government on bringing forward this piece of infrastructure spend and building this road, which no-one had done before despite many promises from many people, none of them kept. This time the road will be built. As I said, we are interested in the exact nature of this road; there is keen community interest in it. I would appreciate the information being made available to residents, not only in my electorate but also in surrounding areas, who will use this much-awaited road.

Planning: growth areas infrastructure contribution

Mr BURGESS (Hastings) — I wish to raise an issue for the Minister for Planning. The action I seek is for the minister to immediately reconsider the proposed growth areas infrastructure contribution (GAIC) the Brumby government intends to apply to property owned within the area currently being investigated for inclusion within the urban growth boundary (UGB). This issue is of particular relevance to the communities of Junction Village, Devon Meadows and Clyde — areas in my electorate which are under investigation.

The Brumby government intends to expand the UGB later this year. It has justified this move on the basis of the need for affordable land for housing. The GAIC will apply to owners of land brought into the UGB since 2005, and the government is arguing that the contribution will more fairly share the cost of building new infrastructure. Property owners or developers who bought their property after 2005 will be levied at \$80 000 per hectare, and for any land brought into the UGB in or after 2009 a simple flat-rate charge of \$95 000 per hectare applies. The GAIC will push Victorian developers and landowners to a point of either bankruptcy or of withdrawing their properties from the market.

This measure is just the latest in a long line of increasingly desperate attempts by the Brumby government to grab more money, but this is not money for infrastructure; it is money to fund an addiction to power. Make no mistake: this government will do whatever it takes to hold onto power in Victoria. Even if it means it has to drive property owners to the wall, Labor will consider that to be a necessary sacrifice for the greater good.

This measure will cost jobs and prevent new developments from going ahead in the growth corridor. For example, a person owning 200 hectares of land will receive a bill for \$19 million under the GAIC and will be forced to attempt to pass that cost on by increasing the selling price. Of course that is only if the market

and the buyer or developer can absorb that additional cost.

A property of 1100 hectares, such as one planned for development in Beveridge, would attract an immediate payment of \$104.5 million to the government, the payment being required up-front and not in smaller amounts as each development proceeds. A developer who buys the land will have to pass this extra cost on to first home buyers. The additional cost to an end purchaser of a home has been estimated at \$6500. So much for the Brumby government's stated objective of affordable housing.

Fifty per cent of the contribution is intended to go towards developing important infrastructure projects in the area, so the government tells us, and 50 per cent will go towards funding the GAIC system.

On 29 April I attended a public rally in Officer regarding the GAIC. It was clear that the vast majority of those people who will be affected have serious concerns about the effects of the state government's proposal — and it is no wonder. These communities enjoy a semi-rural amenity that is not congested by urban development. Many of the residents purchased their properties in these areas to guarantee a particular quality of life for their families. Now they find themselves threatened by the ridiculous and out-of-touch policies of this Labor government. The Brumby government's proposition burdens landowners with an unrealistic debt which it claims is to cover the cost of delivering infrastructure, infrastructure the government should have been accruing funds to establish over the years — —

The DEPUTY SPEAKER — Order! The member's time has expired.

Emergency services: Macedon electorate

Ms DUNCAN (Macedon) — The matter I raise is for the Minister for Police and Emergency Services. The action I am seeking from him is to fund the acquisition of a number of vehicles needed by local emergency services in the electorate of Macedon. I have lobbied and have been lobbied by a number of volunteers representing both the SES (State Emergency Service) and the CFA (Country Fire Authority) for new tankers and heavy rescue vehicles. I ask the minister to fund these vehicles which are necessary for the services to continue the great work they do on behalf of our community.

In recent times we have seen the professionalism of both the SES and the CFA under tragic circumstances.

There have been increases in funding in previous budgets and in this budget to support these services, and I ask the minister to ensure that the Macedon electorate secures funding for our services locally, because over the years the volunteer services — the CFA and the SES — have been poorly resourced.

I am pleased that in the nine and a bit years I have represented the electorate of Macedon there have been considerable increases in funding for trucks and communications and other equipment for individual volunteers as well as brigades to use. We need to continue to see such increases in funding. We know the CFA and SES do an enormous amount of work and an enormous amount of fundraising.

It is incumbent on us as a government to ensure they are not required to fundraise for the essential equipment they need to continue their professional work, and that funding will be allocated to some of those services in this budget, particularly the Sunbury SES, which is quite a large service with responsibility for an enormous area. It works all year round, as does the local CFA.

The Sunbury SES manages the Calder Freeway, which passes near Sunbury. It is a very busy road — there are actually lots of busy roads in and around Sunbury — and the local SES unit is the road rescue team for the area. It responds to a lot of call-outs and needs up-to-date equipment to continue to do its great work. I ask the minister to make sure that the three SES teams in the electorate of Macedon are funded for the vehicles that they need to do their job.

Responses

Mr BATCHELOR (Minister for Community Development) — I want to thank the member for Yan Yean for her ongoing interest in her local community and particularly in this fantastic project. I know that she is passionately involved with the Diamond Creek multipurpose facility. The member was in fact the strongest advocate for the \$1 million that was announced in today's budget and will be contributed to the project by the Minister for Sport, Recreation and Youth Affairs. I understand that this is an incredibly important project for the people of Diamond Creek and surrounding towns. I also understand that it is a very expensive project that is expected to cost over \$11 million.

This project has the support of the Rudd government. As we have heard from the Minister for Sport, Recreation and Youth Affairs, it is a project that the Brumby government is supporting with a significant

contribution that was announced today. I think the minister is announcing that tomorrow in the Yan Yean electorate. The member for Yan Yean also mentioned that this facility will be far more than just a sporting stadium. The non-sporting components for the facility are the foundation of a very strong application that has been made to the Community Support Fund, which falls under my area of ministerial responsibility.

Currently in Diamond Creek large-scale participation rates in community activities are adversely affected by the lack of a community facility that can hold more than 300 people. There are lots of events in Diamond Creek which a large supportive base of spectators want to attend, but that is not possible at the moment. Numerous groups and individuals are therefore required to commit significantly in both travel time and finances to meet their aspirations for participation in a range of cultural endeavours, and unfortunately some of them are not able to participate at all because of a lack of facilities.

I am advised that the proposal for this facility will comprise a significant variety of features that will enable its flexible use. It will include fold-out raked seats that can be used to create a show court-style facility. They can also be used to view a stage performance or presentation. Acoustic treatments, sound and lighting have also been included in the design and costings. With the seats folded away, the court space will be able to be used for a range of sports or community activities, such as FReeZA events, Blue Light discos, trade shows and markets.

The DEPUTY SPEAKER — Order! There appears to be some sort of audio going on somewhere — —

Mr BATCHELOR — It seems the member for Sandringham is going off over there.

The DEPUTY SPEAKER — Order! I ask that it be turned off.

Mr Thompson — I am sorry, Deputy Speaker, but earlier today the minister referred to its being Pete Seeger's birthday this week.

The DEPUTY SPEAKER — Order! I ask somebody to turn off that audio. It is not appropriate.

Mr BATCHELOR — It was also impressive to note that the facility has been designed so that schools can use part of it — even a small part, perhaps one-third or even two-thirds — whilst the community is able to access the balance without the parties compromising each other's use or, importantly, school security protocols.

A mezzanine level has also been designed into the project. It has a lift and stair access, ensuring access for all — for not just the able bodied but the disabled too. This area can be used for viewing the court space or for community meetings or programs such as after-school or holiday programs for local schools.

Not only will this be a wonderful facility that will bring the community together, but the process that has got the community to this point has been important. We also understand that this sort of community engagement has helped deliver a much more beneficial outcome. The local community has also involved itself in community fundraising with an ambitious and important target of \$2 million. The community is asking local stakeholder groups to be involved in this, because they will be represented in the management of the facility, which will provide ongoing support for community strengthening and building.

In addition to increasing participation and volunteer rates, the facility will also create employment opportunities, initially in construction and, in an ongoing sense, to meet program and maintenance requirements.

As the Minister for Community Development, I have been asked to support an application to the Victorian community support grants program, and I am actively considering that at the moment. Commitments have already been made by this government and the Rudd government to support this project. The request that has come through tonight again asks that the state Labor government support this project through an application to the Community Support Fund currently being considered, and I am happy to have that progress through the normal evaluation process within the Department of Planning and Community Development.

I say to the member for Yan Yean and the member for Diamond Creek that we understand the importance of this project and the community benefit it will bring through a whole range of community activities. I say to the member for Yan Yean that in terms of the Community Support Fund, time will tell.

Mr ROBINSON (Minister for Gaming) — The member for Williamstown raised with me a request for support for an application made by the Commemoration Park Memorial Committee in Spotswood to have that memorial upgraded. That application has been made under the Brumby government's Restoring Community War Memorials Grants program. That is a very popular program; it has been running now for about five or six years, and in that time grants, which were formerly up to \$7000 and now

are up to \$10 000, have been awarded to the value of almost \$2 million. The grants are not for large amounts of money, but what strikes me, as the minister assisting the Premier in this area and as someone who has been involved with this program for some time now, is the extraordinary but justifiable pride local communities, ex-service organisations and individuals have in their local war memorials.

I see the member for Albert Park is in the chamber. I was with him just recently. We were touring his electorate where a number of memorials have been approved for funding under this program this year. He will testify to the extraordinary support this program has and how a little bit of money can go a long way.

The member for Williamstown mentioned Mrs Jean King. I had the opportunity at a recent Anzac Day lunch to meet Jean King, who is a passionate and articulate woman who is very committed to this memorial and makes a very compelling case. I am pleased to say to the member for Williamstown that, on the strength of the conversation I had with her and the application she had put in, the government has agreed to fund that upgrade to the tune of \$1500. That will allow, as the member for Williamstown has said, for a replacement of the existing fence around the veterans reserve where the memorial is situated with a more secure style of fencing to protect the memorial and improve the amenity of the veterans reserve.

As the member for Williamstown said in his contribution, and as the member for Albert Park would attest and the member for Yan Yean would also attest — I was out with her last week at Kangaroo Ground in relation to another grant under this program — these memorials, whether they are big, as in the case of the one at Kangaroo Ground, or whether they are quite modest, as in the case of those in the electorate of the member for Albert Park, or whether they are of the size and shape described by the member for Williamstown, they become the centres for commemorative activity in communities. That is something that is growing in popularity and that the government is very keen to foster, particularly among younger Victorians.

I am pleased to confirm for the member that this application has been approved, and I look forward at some stage in the future to visiting and seeing that upgrade work in progress.

The member for Macedon raised an issue for the attention of the Minister for Police and Emergency Services regarding the funding of tankers and rescue

vehicles for emergency services in the Macedon electorate. I will pass that matter on.

The member for Hastings raised for the attention of the Minister for Planning a request for reconsideration of growth areas infrastructure contribution charges in growth corridors. I will pass that matter on.

The member for Bayswater raised an issue for the attention of the Minister for Children and Early Childhood Development regarding funding for the primary school nursing program. I will pass that matter on.

The member for Narre Warren South raised an issue for the attention of the Minister for Sport, Recreation and Youth Affairs in respect of Casey council's application under the Community Support Fund program for the Sweeney Reserve netball facility upgrade. I will pass that matter on.

The member for Shepparton raised an issue for the attention of the Minister for Water — namely, the funding of pressurisation works in respect of the Shepparton stock and domestic water scheme. I will pass that matter on.

The member for Benambra raised an issue for the attention of the Minister for Health in respect of the debts of the Albury and Wodonga hospitals and his desire that they be cleared by the end of the financial year. I will pass that matter on.

The member for Doncaster raised an issue for the attention of the Minister for Roads and Ports in respect of traffic lights at the Springvale Road and Old Warrandyte Road intersection. For the benefit of the house, that is about 3 or 4 kilometres north of the Springvale Road level crossing, which of course will be eliminated under the government's budget announcement. That will allow people heading north, to the member for Doncaster's electorate, to get there a bit quicker, and I am sure she will be pleased with that. Nevertheless, in respect of the Springvale Road and Old Warrandyte Road intersection, where traffic lights are being improved, she is seeking assurances on plans for those improvement works and pedestrian access in particular. I will pass that matter on.

Finally, the member for Mordialloc also raised an issue for the Minister for Roads and Ports in respect of the scheduling and construction of the next stage of the Dingley arterial third stage, which connects with Springvale Road, some kilometres to the south of the Springvale Road level crossing in the Mitcham electorate. I will pass that matter on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.43 p.m.